

Please note: These transcripts are not individually reviewed and approved for accuracy.

BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
GOVERNMENT CENTER
21825 COPLEY DRIVE
AUDITORIUM
DIAMOND BAR, CALIFORNIA

WEDNESDAY, OCTOBER 24, 2001
9:30 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Linda Moulton-Patterson, Chairperson

Dan Eaton

Steven R. Jones

Jose Medina

Michael Paparian

David Roberti

STAFF

Mark Leary, Executive Director

Kathryn Tobias, Chief Counsel

Julie Nauman, Deputy Director

Rubia Packard, Assistant Director

Pat Schiavo, Deputy Director

Michael Bledsoe, Staff Counsel

Mark de Bie

Tom Estes

Judith Friedman

Martha Gildart

Blanche Harbridge-Wright

Jerry Hart

Albert Johnson

Keith Kennedy

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

STAFF CONTINUED

Sue Markie

Deborah McKee, Executive Secretary

Phil Moralez

John Nuffer

Dianne Ohiosumua

Dianne Range

Frank Simpson

Susan Villa

Scott Walker

Shirely Willd-Wagner

Tabetha Wilmon

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

INDEX		PAGE
I	Call to Order	1
II	Roll Call	1
	Pledge of Allegiance	1
III	Opening Remarks	2
VII	New Business	5
	Special Waste	
18.	Consideration of Approval of the Grant Awards for the Waste Tire Enforcement Grant Program for FY 2001/2002	5
19.	Consideration of the Issuance of a Revised Major Waste Tire Facility Permit for American Tire Disposal, Inc., San Bernardino County	11
20.	Consideration of the Issuance of a Revised Major Waste Tire Facility Permit for Lakin Tire West, Inc., Los Angeles County	16
21.	Consideration of Approval of Award for the Contract(IWM-C0107) to Remediate the Westley Tire Fire Site(FY 2001/2002 California Tire Recycling Management Fund	18
25.	Consideration of Approval of the Scoring Criteria and Evaluation Process for the Used Oil Opportunity Grant Program for Fiscal Yeah 2001/2002	19
	Diversion, Planning and Local Assistance	
26.	Consideration of Staff Recommendation to Change the Base Year to 1998 for the Previously Approved Source Reduction and Recycling Element	26

INDEX CONTINUED

PAGE

28.	Consideration of Bureau of State Audits Report Recommendations Regarding New Base-Year Generation Studies and What Counts as Diversion(Recommendations 15-16)	30
29.	Consideration of Action on the Submittal of Integrated Waste Management Plans(IWMP) as Required by AB 75 that have been Deemed Incomplete for the Follow Large Facilities: Cerritos Community College College of the Sequoias	33
30.	Discussion of South Coast Air Quality Management District Proposed Rule 1133 - Emission Reductions from Composting Facilities and Related Operations	61
31.	Consideration of Resolution to Observe America Recycles Day	36
32.	Consideration of Approval of Scope of Work for the California High Performance Demonstration School Contract (FY 2001/2002 Contract Concept Number 1)	38
33.	Consideration of Approval of Contractor for the California High Performance Demonstration School Contract (FY 2001/2002 Contract Concept Number 1)	41
VIII	Public Comment	48
	Adjournment	132
	Reporter's Certificate	133

1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
3 our meeting back to order and would the secretary please
4 call the roll.

5 SECRETARY FARRELL: Eaton?

6 BOARD MEMBER EATON: Here.

7 SECRETARY FARRELL: Jones?

8 BOARD MEMBER JONES: Here.

9 SECRETARY FARRELL: Medina?

10 BOARD MEMBER MEDINA: Here.

11 SECRETARY FARRELL: Paparian?

12 BOARD MEMBER PAPARIAN: Here.

13 SECRETARY FARRELL: Roberti?

14 Moulton-Patterson?

15 CHAIRPERSON MOULTON-PATTERSON: Here.

16 I'd like you to join me in the pledge of
17 allegiance please.

18 (Thereupon the Pledge of Allegiance was
19 said in unison.)

20 CHAIRPERSON MOULTON-PATTERSON: Thank you. Ex,
21 partes, Mr. Eaton?

22 BOARD MEMBER EATON: I'm up to date thank you,
23 Madam Chair.

24 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

25 BOARD MEMBER JONES: I guess discussion last

1 night with George Larson, Chuck White, John Gulleage, I
2 think that pretty much covers them.

3 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

4 BOARD MEMBER MEDINA: I have correspondence from
5 the mayor of Claremont, Paul Held regarding AB 939. The
6 Mine Reclamation Facilities also from John Goodwin,
7 regarding Proposed Rule 1133, and from Clarence Geich and
8 Mike Mohajer, just a meet and greet.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you.
10 Mr. Paparian.

11 BOARD MEMBER PAPARIAN: Yeah. Mike Mohajer
12 regarding E-waste. I had a conversation with George
13 Larson regarding the strategic plan and with John Kupps
14 regarding agricultural emissions.

15 CHAIRPERSON MOULTON-PATTERSON: And I spoke with
16 George Larson regarding the strategic plan.

17 I'd like to just very briefly turn it over to Mr.
18 Leary our executive director to discuss the Governor's
19 executive order on a hiring freeze and so forth.

20 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
21 Chair. The news out of Sacramento yesterday was the
22 Governor's executive orders. Actually he issued two
23 executive orders. And despite his fervent planning and
24 concerns about an economic slow down, in fact, he included
25 the \$2.6 billion reserve in the budget this year, which is

1 the largest over two decades. He still has growing
2 concern about the growing economy in wake of the events of
3 September 11th.

4 And additionally, in an already softening
5 economy, he's asked that all departments, State agencies
6 and departments, regardless of fund source, are prohibited
7 from filling vacancies that would constitute a new hire to
8 State government. So we will be affected by that, and we
9 will not be able, from this point forward, to hire staff
10 or fill staff vacancies from outside of state government.

11 That, of course, does not prohibit us from
12 allowing transfers to occur within State government or
13 promoting our own staff into upper level positions. There
14 are certain exemptions included in the executive order,
15 but they do not apply to us, as they concern Office of
16 Emergency Services and those folks involved with public
17 health, safety and security.

18 Additionally, in a second executive order,
19 Governor Davis has ordered the Department of Finance to
20 lead a charge in further reducing the general fund to the
21 tune of something like \$150 million in operating expenses
22 and equipment. And along those lines, he's asked State
23 agencies and departments to consider reducing, canceling
24 or postponing any new contracts, postponing or canceling
25 any nonessential trips and disencumbering or even

1 canceling existing contracts that have not resulted in
2 deliverables yet. And to the extent that the Boards and
3 Departments can do that, he encourages them to do so.

4 As the Board knows, only a very, very, very
5 minimal part of our budget is provided by general funds,
6 so that second executive order has really no impact on
7 this Board, but it is out there, and other boards and
8 departments will be seeking to comply with the Governor's
9 executive order.

10 Thank you.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
12 Leary.

13 I did want to mention that Item number 27 has
14 been pulled today and yesterday Items 22, 23 and 24 were
15 pulled. So we'll be starting with our special waste
16 division at Item number 18.

17 And going through the agenda, it's my plan to
18 have a closed session when we return from lunch from 1:00
19 to 2:00. I understand we need about an hour, Ms. Tobias?

20 CHIEF COUNSEL TOBIAS: That's correct.

21 CHAIRPERSON MOULTON-PATTERSON: And then we have
22 our time certain from 2:00 to 3:00 on Rule 1133.

23 So with that, I will turn it over to our Special
24 Waste Division.

25 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

1 Good morning, Chair and Members, Martha Gildart with the
2 special waste division.

3 The first item this morning is Item 18,
4 consideration of approval of the grant awards for the
5 waste tire enforcement grant program for fiscal year
6 2001/2002.

7 This is the fifth cycle for this grant offering.
8 In four previous cycles, the Board has awarded over 1.3
9 million dollars to local jurisdictions to carry out
10 initial enforcement efforts and investigations at tire
11 facilities, tire dealers and auto dismantlers.

12 The Board approved the scoring criteria and
13 evaluation process in its February meeting this year. And
14 staff issued the notice of funds available to over 1,000
15 entities and placed it on the Board's web site in April.

16 We received six applications, all of which were
17 reviewed and qualified for funding. As the total funds
18 were only \$678,000 and the Board had allocated \$2 million
19 for this year's cycle, all received applications were
20 passed and staff is recommending that the Board approve
21 funding.

22 If you have any questions, I would be happy to
23 answer them.

24 CHAIRPERSON MOULTON-PATTERSON: I have one quick
25 question and then I'll turn it over to others. I

1 understand we mailed out 1,000 applications and we
2 received six, is that right?

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
4 That's correct.

5 CHAIRPERSON MOULTON-PATTERSON: Do you have any
6 for outreach or whatever?

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
8 One of the things that we had done was try to jump start
9 this program. If you recall, with the negotiations on 876
10 and the funding and this year's budget, some of the
11 funding was a little uncertain until the end of July, but
12 because we wanted to get these grants out, there had been
13 no offering last fiscal year.

14 We issued it in April, and I think some of the
15 jurisdictions were just too uncertain as to the funding
16 availability. In the intervening period, we have also had
17 staff attend the LEA conference and had a booth there with
18 materials and information on our enforcement program. And
19 I've been told by the staff that there were many inquiries
20 and people who did were interested.

21 We are contemplating a second offering. We're
22 trying to get that together as soon as possible, and mail
23 out a second notice for another round as there is, you
24 know, about 1.3 million left this year.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.

1 Gildart.

2 Mr. Eaton, did you have a question?

3 BOARD MEMBER EATON: Yeah. Are all of these who
4 applied new? How many of them are new and how many of
5 them have received these types of grants in the past?

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
7 Of the six listed on page, what is that, 18-5, the City of
8 San Diego, the County of Los Angeles and the County of
9 Yuba all received grants in isn't being last cycle, which
10 was two years ago. I believe Alameda has received one in
11 the past, but I think Napa and Oakland are new to the
12 program.

13 BOARD MEMBER EATON: And the only reason why I
14 was asking is what training are we going to give these
15 individuals who are new that can help us and assist us,
16 because these grants were done in order to increase local
17 control and take some of the pressure off the Board,
18 because there's just too many inspections to do.

19 Will they go through a training process much like
20 what we do at Solid Waste and those kinds of things, has
21 that been contemplated, because I notice it's not in the
22 criteria or anything nor would it be, but are we doing
23 something with the training programs?

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
25 Yes. We have met with isn't being recipients of grants

1 and provided some training. We might be able to
2 coordinate a little bit more of a formal training process
3 where we can get them all to come to a central location.
4 But in the past, we've sent staff to the entities and
5 worked with them, legal staff and enforcement staff.

6 BOARD MEMBER EATON: Thank you.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Eaton.

9 Mr. Paparian.

10 BOARD MEMBER PAPARIAN: Nothing on the substance
11 of the item, but I just want to note that, once again, the
12 majority of the applications are from northern California.
13 About 70 percent of the money is going to northern
14 California, about 30 percent, more or less, is going to
15 southern California. And it's not -- it's something that
16 I've noticed across the Board on a lot of our programs
17 where the funding seems to go skewed a little bit to
18 northern California rather than southern California. And
19 I think we may need to look to some ways to further and
20 better our outreach for all of our programs in southern
21 California to increase the awareness of the programs and
22 hopefully the participation in our programs from
23 localities in southern California.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
25 Paparian.

1 BOARD MEMBER MEDINA: Madam Chair, I'd just like
2 to comment that when you add up all the monies at the end
3 of the year, I think that you will find out that there is
4 more of an equitable split between north and south.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.
6 Mr. Jones.

7 BOARD MEMBER JONES: I would agree. But anyway,
8 the work that's being done, because this grant program is
9 to help provide continuous funding for these programs, you
10 know, do we have some kind of a or have you contemplated
11 some kind of a reporting criteria that lets you evaluate
12 the fact that Yuba Sutter or Alameda or LA, in fact, are
13 doing the surveillance, they're pulling over people, there
14 is some result other than just augmenting the LEA program
15 with these dollars so that they can go out and check a
16 restaurant?

17 Is that part of what's going on here or is it
18 contemplated?

19 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
20 We do track the referrals made to us from the LEAs when
21 they've gone out and inspected sites and found a
22 violation. At that point, we take over -- well, they'll
23 issue the first letter of violation, but if there is no
24 response from the violator, that's when we step in.

25 For instance, the Yuba Sutter has been quite

1 aggressive. We've worked with them on several sites. We
2 could do that. We track those numbers. We haven't used
3 it yet really to judge the worthiness of the next round.
4 What we've been trying to do right now is just increase
5 the participation, but that is certainly something we
6 could do.

7 BOARD MEMBER JONES: Yeah, I think that it's
8 something to at least think about, because if we want
9 this, the LEAs and code enforcement people were screaming
10 for a constant fund source. And that's, I think, exactly
11 why we included it, right, was to give them a constant
12 source of funding, but I think there needs to be some kind
13 of evaluation that, in fact, we're getting a result for
14 those kinds of dollars.

15 Madam Chair?

16 CHAIRPERSON MOULTON-PATTERSON: Yes, Mr. Jones.

17 BOARD MEMBER JONES: If there's no other
18 comments, I'd like to move adoption of Resolution
19 2001-381, consideration of approval for the grant awards
20 for the waste tire enforcement grant program for fiscal
21 year 2001 and two.

22 BOARD MEMBER MEDINA: Second.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you. We
24 have a motion by Mr. Jones, seconded by Mr. Medina to
25 approve Resolution 2001-381.

1 Please call the roll.

2 SECRETARY FARRELL: Eaton?

3 BOARD MEMBER EATON: Aye.

4 SECRETARY FARRELL: Jones?

5 BOARD MEMBER JONES: Aye.

6 SECRETARY FARRELL: Medina?

7 BOARD MEMBER MEDINA: Aye.

8 SECRETARY FARRELL: Paparian?

9 BOARD MEMBER PAPARIAN: Aye.

10 SECRETARY FARRELL: Moulton-Patterson?

11 CHAIRPERSON MOULTON-PATTERSON: Aye.

12 Number 19.

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

14 The next is items number 19 and 20, are revisions to major
15 waste tire facility permits and will be presented by Terry
16 Smith of the Waste Tire Management Branch.

17 CHAIRPERSON MOULTON-PATTERSON: Good morning.

18 MR. SMITH: Good morning.

19 Item number 19 regards the consideration of a
20 major waste tire facility permit revision for American
21 Tire Disposal Incorporated, located at 1495 North 8th
22 Street in the City of Colton.

23 American Tire Disposal, or ATD, has been
24 processing waste tires in southern California since 1995.
25 Tires processed at this facility include passenger tires,

1 truck tires and off-the-road tires. The tires are
2 received from various tire dealerships throughout southern
3 California.

4 Tires arriving at the site are sorted and graded.
5 Tires that can't be reused or recapped are used as tire
6 derived fuel, at cement camps, processed into crumb
7 rubber, used as playground materials, processed on the
8 on-site facility that makes roofing material out of waste
9 tires or shredded and taken to permitted landfills.

10 ATD processes approximately 4 million tires a
11 year. The Board approved the permit for this site back in
12 February of 1999. The permit limits tire storage to a 3.5
13 acre parcel of land within ATD's 26-acre parcel or
14 facility.

15 This limitation has proven to be problematic for
16 the operator as it restricts the storage to a specific
17 area or on their property. For example, the facility's
18 mechanic shop is located on a parcel that's not permitted
19 to store tires. And if a vehicle that's loaded with tires
20 needs work at the mechanic's shop and is there for any
21 amount of time, it's technically in violation of the
22 permit. As a matter of fact, tire enforcement staff have
23 documented several violations of this sort at the
24 facility.

25 To remedy this problem, ATD proposes the permit

1 to allow storage at the facility on all five parcels of
2 land which totals 26 acres. This facility will enable the
3 operator to store tires anywhere within the permitted
4 boundaries and will provide the flexibility needed to
5 relocate storage areas to accommodate present and future
6 operational needs.

7 On April 11th, 2001 we received an application
8 from ATD to revise the permit. Staff reviewed the
9 application and found it to be complete and acceptable on
10 July 16th, 2001.

11 Staff has determined that all the requirements
12 have been met to revise this permit, including the local
13 fire department and vector control approvals, financial
14 assurance and operating liability requirements, state
15 minimum standards for tire storage, and the California
16 Environmental Quality Act requirements have been
17 satisfied.

18 Staff has drafted a waste tire facility permit
19 for this facility, which is included as Attachment number
20 one of this item.

21 In conclusion, staff recommends that the Board
22 adopt Permit Decision Number 2001-379 approving the
23 issuance of waste tire facility permit number 36-TI-0708.

24 Mr. Jolene Pandza representing American Tire
25 Disposal is present and available to answer any questions

1 you may have.

2 This concludes staff presentation.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.

4 Smith.

5 Questions, comments?

6 Mr. Paparian.

7 BOARD MEMBER PAPARIAN: Just a quick one. It was
8 a fine presentation, but a request I'd have in the future,
9 in the permitting and enforcement items, we've been
10 getting information about the violations, which has been,
11 I have found, very useful and informative and I wonder if
12 in the future we could get similar information on permits
13 like these?

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
15 Certainly, that's why we included a brief history in the
16 oral presentation. At the time of writing this item, we
17 had not been made aware that there was such a request on
18 the part of the Board. But in the future we can put that
19 in the documents, too.

20 BOARD MEMBER PAPARIAN: Thank you.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 Mr. Jones.

23 BOARD MEMBER JONES: Madam Chair.

24 CHAIRPERSON MOULTON-PATTERSON: Yes.

25 BOARD MEMBER JONES: I'd like to move adoption of

1 Resolution 2001-379, consideration of the issuance of a
2 revised major waste tire facility permit for American Tire
3 Disposal Inc. in San Bernardino County.

4 BOARD MEMBER MEDINA: I would like to second
5 that.

6 CHAIRPERSON MOULTON-PATTERSON: Motion by Mr.
7 Jones, seconded by Mr. Medina to approve Resolution
8 2001-379.

9 Please call the roll.

10 SECRETARY FARRELL: Eaton?

11 BOARD MEMBER EATON: Aye.

12 SECRETARY FARRELL: Jones?

13 BOARD MEMBER JONES: Aye.

14 SECRETARY FARRELL: Medina?

15 BOARD MEMBER MEDINA: Aye.

16 SECRETARY FARRELL: Paparian?

17 BOARD MEMBER PAPARIAN: Aye.

18 SECRETARY FARRELL: Moulton-Patterson?

19 CHAIRPERSON MOULTON-PATTERSON: Aye.

20 Number 20, Mr. Smith.

21 MR. SMITH: Item number 20 regards another permit
22 revision for a major waste tire facility and it's for
23 Lakin Tire West Incorporated, or Lakin Tire.

24 Lakin Tire has been in the tire business in
25 southern California since the early seventies. Operations

1 consist of processing used tires generated by national
2 retailers. Tires that can't be reused are shredded and
3 taken to a variety of facility types, including permitted
4 landfills, cement kilns, crumb rubber processors and
5 cogeneration plants. Tires that can be reused are resold
6 as used tires or retreadable casings.

7 Lakin tire processes approximately 11 million
8 tires a year. Lakin's major waste tire facility, or
9 permit facility located at 15305 Spring Avenue, Santa Fe
10 Springs, serves as their primary facility on the west
11 coast.

12 The facility is a newly constructed site that was
13 first permitted back in February of 2000. To date, no
14 violations have been documented at that site. After
15 conducting operations at this site for over a year, Lakin
16 has determined that the maximum waste tire storage limit
17 of 200,000 tires that's in the current permit would be or
18 should be reduced to 130,000 tires, since operations never
19 necessitate the storage of over that many tires at the
20 site.

21 On June 20th, 2001, we received an application
22 from Lakin to revise their permit to reflect the maximum
23 storage limit of 130,000 tires or 1,203 tons. Staff
24 reviewed the application and found the application to be
25 complete. We accepted the application on July 17th, 2001.

1 Staff has determined that all the requirements to
2 obtain this permit have been met, including the national
3 fire standards for indoor storage of rubber tires,
4 financial assurance and operating liability requirements,
5 state minimum standards for tire storage and the
6 California Environmental Quality Act has been met.

7 Staff has drafted a waste tire facility permit
8 and it's included as attachment number 1 in this item.

9 And in conclusion, staff recommends that the
10 Board adopt Permit Decision Number 2001-380 approving
11 issuance of waste tire facility permit number 19-TI-1077.

12 Mr. George Larson representing Lakin Tire is
13 present and available to answer questions.

14 This concludes staff presentation.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
16 Smith.

17 Mr. Jones.

18 BOARD MEMBER JONES: Madam Chair, I'll move
19 adoption of resolution 2001-380, consideration of the
20 issuance of a revised major waste tire facility permit for
21 Lakin Tire West Incorporated in Los Angeles county.

22 BOARD MEMBER MEDINA: I'd like to second that
23 motion, Madam Chair.

24 CHAIRPERSON MOULTON-PATTERSON: We have a motion
25 by Mr. Jones seconded by Mr. Medina to approve resolution

1 2001-380.

2 Please call the roll.

3 SECRETARY FARRELL: Eaton?

4 BOARD MEMBER EATON: Aye.

5 SECRETARY FARRELL: Jones?

6 BOARD MEMBER JONES: Aye.

7 SECRETARY FARRELL: Medina?

8 BOARD MEMBER MEDINA: Aye.

9 SECRETARY FARRELL: Paparian?

10 BOARD MEMBER PAPARIAN: Aye.

11 SECRETARY FARRELL: Moulton-Patterson?

12 CHAIRPERSON MOULTON-PATTERSON: Aye.

13 Number 21.

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

15 Agenda Item 21, consideration of approval of award for the
16 contract to remediate the Westley Tire Fire site. This is
17 a major contract award for the Board. In its five-year
18 plan, it allocated \$6 million for the cleanup of this site
19 this fiscal year and an additional five million a year
20 over the following four.

21 Bob Fujii of the Waste Tire Management Branch
22 will be presenting this item. I'm sorry, Albert Johnson
23 of the Waste Tire Management Branch will be presenting
24 this item.

25 MR. JOHNSON: Good Morning, Madam Chair and

1 Members of the Board. My name is Albert Johnson. I work
2 in the Special Waste Division and I'm the project manager
3 and the contract manager for the Westley Tire Fire site.

4 Back in June of this year, the Board approved a
5 scope of work for a Request For Qualifications that was
6 issued on August 13th.

7 After the statement of qualifications was issued,
8 the Board received written comments asking questions --
9 rather written questions and also we had a site walk
10 through at the pre-bidder's conference, where additional
11 questions could be asked.

12 All people requesting a copy of the Request For
13 Qualifications were given a response, written response, to
14 these questions. We received 11 statement of
15 qualifications statements by the deadline of -- or
16 rather -- yeah, the deadline of September 7th.

17 And initially when these SOQs were received by
18 the Board, they went to our contracts unit. They were
19 checked for completeness, and all 11 submittals were
20 deemed to be complete. At that time, they're given to me
21 as contract manager and I passed them on to my selection
22 panel.

23 We had four people on the selection panel. There
24 was a person from tire remediation, a person from tire
25 grants, a person from the permitting and enforcement

1 division, and a person from the Department of Toxic
2 Substances Control.

3 These four individuals completed reference checks
4 on the statement of qualifications. And after reference
5 checks were complete, one of the individuals was called to
6 military service and could no longer participate in the
7 selection process.

8 So the remaining three people went ahead and
9 reviewed the submittals, scored the submittals and the top
10 three ranking companies were brought in for interviews on
11 October 3rd and 4th.

12 After the interviews were completed, those were
13 also scored. And the score from the Statement Of
14 Qualifications package was combined with the score from
15 the interview, and we ranked the top three companies.

16 The company that ranked number one was Sukit
17 Construction Incorporated, and board staff recommends that
18 the Board award contract number IWM-C0107 to Sukit
19 Construction.

20 That ends my presentation. I'd be happy to
21 answer any questions.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
23 Johnson.

24 Questions?

25 Mr. Eaton.

1 BOARD MEMBER EATON: I noticed in the package,
2 just real quickly, that work stopped at the site while
3 this contract was being let.

4 MR. JOHNSON: Yeah, well work stopped --

5 BOARD MEMBER EATON: Is that an accurate
6 statement or just parts of the remediation project. And
7 the reason why I'm asking, I hope in the future if things
8 like this pop up where there is a gap on any site, Westley
9 obviously is a high profile site, but any site, that ought
10 to be brought to the Board's attention, because we have
11 reallocated monies from time to time, and there was plenty
12 of money from the old pot that work on sites such as this
13 should not ground to a halt, because it subjects us to,
14 you know, public scrutiny as well as the fact it is
15 injurious to the public health and safety.

16 And that's not you Albert, I know you're out
17 there all the time. But I think, Mark, in the future, now
18 that we have you on board, we as a board need to know if
19 there is a stoppage of work on these types of projects
20 since the Board will try and work what we can do.

21 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
22 In this instance, the contract that we had at the Westley
23 site was a separate contract that expired in May that was
24 with NorCal. We expended all funds in that contract up to
25 its termination date, and have been moving as quickly as

1 possible under the new fiscal year's funding to get this
2 contract in place. We are hoping to have the contractor
3 out at the site within about two weeks of this board
4 meeting.

5 BOARD MEMBER EATON: I understand, but you missed
6 my point. The point is that we knew that a contract was
7 ending, and if we had been able to, there may have been
8 other ways to extend the contract, if not extend the
9 contract, look for a way that we could have gone to the
10 people who do the contracts and got a bridge contract
11 under an emergency power or something. That's all. It's
12 not being critical. It's just something with these kinds
13 of projects, we need to not stop the work on it,
14 especially during the summer when the weather is good and
15 so on and so forth.

16 That's all. Don't be defensive. We just need to
17 know, you know, it's not us against them. It's just up to
18 us to be a little more friendly the try and get some of
19 this stuff resolved.

20 Thank you.

21 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

22 BOARD MEMBER JONES: Madam Chair, thank you. I
23 want to move -- now how quick can these guys power up,
24 because that means that nothing has been down out there
25 for about six months?

1 MR. JOHNSON: Yeah, since about the middle of
2 April is when we pulled because the funds were exhausted.
3 I think within the next couple of weeks we should be able
4 to get going again.

5 BOARD MEMBER JONES: I want to move adoption of
6 Resolution 2001-421, consideration of approval of award of
7 contract IWM-C0107 to remediate the Westley Tire Fire site
8 fiscal year 2001/2002.

9 BOARD MEMBER MEDINA: I second that, Madam Chair.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 Motion by Mr. Jones seconded by Mr. Medina to
12 approve Resolution 2001-421.

13 Please call the roll.

14 SECRETARY FARRELL: Eaton?

15 BOARD MEMBER EATON: Aye.

16 SECRETARY FARRELL: Jones?

17 BOARD MEMBER JONES: Aye.

18 SECRETARY FARRELL: Medina?

19 BOARD MEMBER MEDINA: Aye.

20 SECRETARY FARRELL: Paparian?

21 BOARD MEMBER PAPARIAN: Aye.

22 SECRETARY FARRELL: Moulton-Patterson?

23 CHAIRPERSON MOULTON-PATTERSON: Aye.

24 That brings us to Item number 25.

25 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

1 MS. WILLD-WAGNER: Good morning, Madam Chair and
2 Members of the Board. I am Shirley Willd-Wagner of the
3 used oil and household hazardous waste branch. Item
4 number 25 is consideration and approval of the scoring
5 criteria and evaluation processes for the used oil
6 opportunity grant fiscal year 2001/2002.

7 In 1996, the Board established the general
8 reviewed criteria for scoring of all competitive grants.
9 Under the policy, staff brings forward a proposal to
10 assign points to the general review criteria, propose any
11 program specific criteria and describe procedures for
12 scoring and evaluating the applications.

13 Staff's proposal is reflected in Attachment 1.
14 As you are aware, the California Oil Recycling Enhancement
15 Act, authorizes the Board to award grants to local
16 government and the opportunity grant is one of these
17 grants.

18 This is the 6th offering of the opportunity
19 grants. The act specifies an allocation formula that
20 calculations fund expenditures. Staff has applied that
21 formula and has determined that approximately \$5.8 million
22 will be available this year for the opportunity grants.

23 We're proposing \$300,000 as a maximum application
24 for individual applicants, and \$700,000 for regional
25 applicants.

1 The proposed scoring process presents no
2 variation from what the Board is accustomed to seeing, a
3 review panel will be convened. Depending on the number of
4 applicants, the blind review process will be followed with
5 approximately ten percent of the applications. The
6 opportunity grant this year does include a requirement
7 that all applicants comply with the principles of
8 environmental justice. They will certify to that in the
9 application and this in the statement of terms and
10 conditions requiring such compliance.

11 So with the proposed scoring criteria on your
12 attachment, we recommend the adoption of resolution
13 2001-410.

14 I'd be happy to take questions.

15 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

16 BOARD MEMBER JONES: Madam Chair, I'll move
17 adoption of Resolution 2001-410, consideration of an
18 approval of scoring criteria evaluation process for used
19 oil opportunity grants program for fiscal year 2001/2002.

20 BOARD MEMBER MEDINA: I'd like to second that,
21 Madam Chair.

22 CHAIRPERSON MOULTON-PATTERSON: Motion by Mr.
23 Jones seconded by Mr. Medina to approve resolution
24 2001-410.

25 Please call the roll.

1 SECRETARY FARRELL: Eaton?
2 BOARD MEMBER EATON? Aye.
3 SECRETARY FARRELL: Jones?
4 BOARD MEMBER JONES: Aye.
5 SECRETARY FARRELL: Medina?
6 BOARD MEMBER MEDINA: Aye.
7 SECRETARY FARRELL: Paparian?
8 BOARD MEMBER PAPARIAN: Aye.
9 SECRETARY FARRELL: Moulton-Patterson?
10 CHAIRPERSON MOULTON-PATTERSON: Aye.
11 Thank you, Ms. Willd-Wagner.
12 And that brings us to the Diversion, Planning and
13 Local Assistance.
14 Mr. Schiavo, number 26.
15 DEPUTY DIRECTOR SCHIAVO: Item number 26 is
16 consideration of staff recommendation to change the base
17 year to 1998 for the previously approved source reduction
18 and recycling element, consideration of the 1997/98
19 biennial review findings for the source reduction and
20 recycling element and household hazardous waste element,
21 and consideration of completion of a compliance order IWMA
22 BR 99-50 for the City of Big Bear Lake, San Bernardino
23 County. And Tabetha Willmon will be making this
24 presentation.
25 MS. WILLMON: Good morning, Board Members. The

1 Board issued a compliance order for the City of Big Bear
2 Like. The diversion rate that resulted from this 1990
3 base year yielded a negative percentage, indicating that
4 their base year numbers were inaccurate.

5 One of their options under the compliance order
6 was to conduct a new base year study, which they did. The
7 City originally submitted a new base year change request
8 with the diversion rate of 72 percent. In August, the
9 Board rejected this request and directed staff to provide
10 additional scrutiny and bring this item forward in the
11 future.

12 Board staff conducted a detailed site visit and
13 carried out additional research into the diversion
14 activities. The City has been very cooperative in their
15 efforts to work with the Board staff to determine their
16 diversion rate based on programs occurring within their
17 city limits.

18 As a result of this further research, additional
19 information was discovered including the following. One,
20 business was found to have stopped their asphalt concrete
21 recycling program. Since city staff has been unable to
22 learn if any other business will or has picked up that
23 program, the business's tonnage, which was 10,200 tons,
24 was deducted.

25 One business that recycled asphalt concrete was

1 double counted in another business's diversion tonnage, so
2 1,200 tons was deducted. Four hundred and forty tons was
3 deducted from the two businesses because we were unable to
4 confirm their method for quantifying the diversion
5 tonnage. Eighteen hundred tons of lake weeds and 9,565
6 tons of lake soils were deducted because it was determined
7 that the lake bed lies actually within the county and not
8 within the city limits.

9 In addition to these deductions, some other minor
10 deductions were made. Based on this information, board
11 staff is requesting the Board approve a diversion rate of
12 56 percent. Board staff has determined that the
13 information has been adequately documented and is as
14 accurate as possible.

15 Based on this information, board staff is
16 requesting that the Board approve a diversion rate of 56
17 percent for 1999, except the 1997/98 biennial review
18 findings and end the compliance order.

19 Representatives from the city are present to
20 answer any questions.

21 And this concludes my presentation.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you very
23 much.

24 Questions?

25 Mr. Jones.

1 BOARD MEMBER JONES: Madam Chair, I'll move
2 adoption of Resolution 2001-422, consideration of the
3 staff recommendation to change the base year to 1998 for
4 the previously approved source reduction and recycling
5 element, consideration of the 97/98 biennial review
6 findings for the SRE and household hazardous waste element
7 and consideration of completion of compliance order IWMA
8 BR 99-50 for the City of Big Bear Lake, San Bernardino
9 County.

10 BOARD MEMBER MEDINA: I second that motion.

11 CHAIRPERSON MOULTON-PATTERSON: Motion by Mr.
12 Jones, seconded by Mr. Medina to approve resolution
13 2001-422.

14 Please call the roll.

15 SECRETARY FARRELL: Eaton?

16 BOARD MEMBER EATON: I continue to disagree with
17 staff's position that it's as accurate as possible and
18 therefore I will abstain.

19 SECRETARY FARRELL: Jones?

20 BOARD MEMBER JONES: Aye.

21 SECRETARY FARRELL: Medina?

22 BOARD MEMBER MEDINA: Aye.

23 SECRETARY FARRELL: Paparian?

24 BOARD MEMBER PAPARIAN: Aye.

25 SECRETARY FARRELL: Moulton-Patterson?

1 CHAIRPERSON MOULTON-PATTERSON: Aye.

2 Thank you.

3 And Item 27 was pulled. That brings us to Item
4 28. I would like to take just a moment and introduce
5 Mayor Art Brown from the City of Buena Park. Nice to see
6 you, Art, thanks for coming by.

7 Okay, so we are on 28.

8 DEPUTY DIRECTOR SCHIAVO: Item 28 is
9 consideration of Bureau of State Audits Report
10 recommendations regarding new base year generation studies
11 and what counts as diversion. And that was recommendation
12 15 and 16 in the audit report, and I will make this
13 presentation.

14 There were three major recommendations in the
15 audit report. One was the Board should modify its
16 regulations to require local governments to revise their
17 base year figures at least every five years. Another was
18 the Board needs to decide on appropriate types of
19 materials and local governments can count as diversion and
20 the methods to quantify these amounts. And finally, the
21 Board needs to seek concurrence from the Legislature as to
22 whether its approach meets the original intent of the
23 mandate.

24 All three of these items are actually going to be
25 included under the auspices of the SB 2202 report, which

1 the Board will be hearing in November, and which the Board
2 has also heard in updates during the discussion briefings.

3 So as a result, staff would like to recommend
4 that the Board consider recommendations regarding the new
5 base year and what -- and recommends the Board adopt
6 Resolution number 2001-426 to approve Option 1.

7 That concludes my presentation.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
9 Schiavo.

10 Mr. Eaton.

11 BOARD MEMBER EATON: Mr. Schiavo, when are we
12 going to get that report on 2202 so that we can review it.
13 You know, we have a very short time line here, when can
14 we, as the board office, expect to review that?

15 DEPUTY DIRECTOR SCHIAVO: It's been disseminated
16 to board members already. That was probably two weeks
17 ago.

18 BOARD MEMBER EATON: Maybe, I just didn't get it.
19 I know you and I have been trying to get it, but if we
20 could, that would be helpful.

21 DEPUTY DIRECTOR SCHIAVO: Okay.

22 BOARD MEMBER EATON: Thank you.

23 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr. Jones.

24 BOARD MEMBER JONES: Madam Chair, I'll move
25 adoption of resolution 2001-426, consideration of the

1 Bureau of State Audits report recommendation regarding the
2 new base year generation studies and what counts as
3 diversion recommendations numbers 15 and 16.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 BOARD MEMBER MEDINA: I'd like to second Mr.
6 Jones' motion, Madam Chair.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Medina. Motion by Mr. Jones, seconded by Mr. Medina to
9 approve resolution 2001-426. Please call the roll.

10 SECRETARY FARRELL: Eaton?

11 BOARD MEMBER EATON: Aye.

12 SECRETARY FARRELL: Jones?

13 BOARD MEMBER JONES: Aye.

14 SECRETARY FARRELL: Medina?

15 BOARD MEMBER MEDINA: Aye.

16 SECRETARY FARRELL: Paparian?

17 BOARD MEMBER PAPARIAN: Aye.

18 SECRETARY FARRELL: Moulton-Patterson?

19 CHAIRPERSON MOULTON-PATTERSON: Aye.

20 DEPUTY DIRECTOR SCHIAVO: Item 29.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
22 Schiavo. We haven't finished that one yet.

23 Number 29.

24 DEPUTY DIRECTOR SCHIAVO: This is consideration
25 of action on the submittal of integrated waste management

1 plans as required by AB 75 that have been deemed
2 incomplete for the following large State facilities and
3 that includes Cerritos Community College and College of
4 the Sequoias.

5 And Phil Morales will be making this
6 presentation.

7 CHAIRPERSON MOULTON-PATTERSON: Good morning, Mr.
8 Morales.

9 MR. MORALES: Good morning, Chair and Board
10 Members. Under Public Resources Code Section
11 429120(b)(3), it provides that a State agency who does not
12 have an approved plan, the Board has the authority,
13 therefore, to develop a plan for them. The Cerritos
14 College and the College of the Sequoias have not provided
15 the information needed by staff to complete a review of
16 their plan.

17 Therefore, we are asking for the Board to deem
18 their plan be incomplete and the staff would then go
19 forward with working with the college in developing a plan
20 for them.

21 Staff's recommendation is Option number 1. That
22 concludes staff's presentation. And are there any
23 questions?

24 CHAIRPERSON MOULTON-PATTERSON: Again, these
25 colleges have been given ample notice.

1 MR. MORALEZ: Ample notice. We have a litany of
2 contacts that we've made with them. For many of them,
3 it's just not a priority. I tend to believe that many
4 cases, it's the college president's concepts between the
5 education administrator and the operations, and the two
6 don't always seem to be on the same wave length.

7 The operations people have always been very
8 helpful. We just can't get the college president to sign
9 on the dotted line.

10 CHAIRPERSON MOULTON-PATTERSON: Well, thank you
11 for all your efforts.

12 Any questions, discussion before we move this
13 item?

14

15 BOARD MEMBER JONES: Madam Chair.

16 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

17 BOARD MEMBER JONES: I'll move adoption of
18 Resolution 2001-427, consideration of action on the
19 submittal of integrated waste management plans as required
20 by AB 757 that have been deemed incomplete for the
21 following large State facilities, Cerritos Community
22 College and the College of the Sequoias.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 BOARD MEMBER MEDINA: Second.

25 CHAIRPERSON MOULTON-PATTERSON: Motion by Mr.

1 Jones seconded by Mr. Medina to approve resolution
2 2001-427.
3 Please call the roll.
4 SECRETARY FARRELL: Eaton?
5 BOARD MEMBER EATON: Aye.
6 SECRETARY FARRELL: Jones?
7 BOARD MEMBER JONES: Aye.
8 SECRETARY FARRELL: Medina?
9 BOARD MEMBER MEDINA: Aye.
10 SECRETARY FARRELL: Paparian?
11 BOARD MEMBER PAPARIAN: Aye.
12 SECRETARY FARRELL: Moulton-Patterson?
13 CHAIRPERSON MOULTON-PATTERSON: Aye.
14 Thank you. That brings us to, and as you recall
15 Item 30 will be heard at a time certain between 2:00 and
16 3:00 today. That brings us to Item 31 and Mr. Simpson
17 will be presenting.
18 ASSISTANT DIRECTOR SIMPSON: Madam Chair,
19 distinguished board members, Frank Simpson with the Public
20 Affairs Office.
21 Item 31 is a proposed resolution from the Board
22 recognizing America Recycles Week. America's Recycles Day
23 is Thursday, November 15th this year. And our Chair Linda
24 Moulton-Patterson is serving as State Co-Chair with
25 Department of Conservation Director Darryl Young.

1 Because of the extraordinary efforts to promote
2 recycling across the State and the continuing challenge
3 faced by all of the entities involved in the promotion and
4 success of America Recycles Day and America Recycles Week,
5 we are bringing forward this resolution.

6 Now, there are a couple of very minor changes.
7 We have changed the dates from November 10th through 17th
8 to the 11th through 17th to make it a seven-day period
9 rather than eight days, and staff has revised the list of
10 cosponsors.

11 But with these minor changes, staff recommends
12 approval of the resolution recognizing America Recycles
13 Week.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
15 Simpson, and you'll keep all our board offices apprised of
16 activities during that week.

17 ASSISTANT DIRECTOR SIMPSON: We certainly will.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you very
19 much.

20 Mr. Medina, would you like to move this?

21 BOARD MEMBER MEDINA: Madam Chair, I would like
22 to move the resolution to observe America Recycles Day.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 BOARD MEMBER JONES: I'll second.

25 CHAIRPERSON MOULTON-PATTERSON: We have a motion

1 by Mr. Medina seconded by Mr. Jones.
2 Please call the roll.
3 SECRETARY FARRELL: Eaton?
4 BOARD MEMBER EATON: Aye.
5 SECRETARY FARRELL: Jones?
6 BOARD MEMBER JONES: Aye.
7 SECRETARY FARRELL: Medina?
8 BOARD MEMBER MEDINA: Aye.
9 SECRETARY FARRELL: Paparian?
10 BOARD MEMBER PAPARIAN: Aye.
11 SECRETARY FARRELL: Moulton-Patterson?
12 CHAIRPERSON MOULTON-PATTERSON: Aye.
13 And I want to thank staff and board offices that
14 have worked really hard on this upcoming week.
15 Okay, number 32 and 33 who will be presenting
16 this?
17 Mr. Estes.
18 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER
19 FRIEDMAN: Good morning, Madam Chair.
20 CHAIRPERSON MOULTON-PATTERSON: Oh, Ms. Friedman,
21 I'm sorry.
22 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER
23 FRIEDMAN: I'll just introduce, Tom. Item 32 is
24 consideration of approval of scope of work for the
25 California high performance demonstration school contract.

1 Tom Estes will be making the presentation for
2 staff.

3 MR. ESTES: Good morning, Madam Chair and Board
4 Members. This item, 32, is requesting your consideration
5 of approval for the high-performance demonstration school
6 contract which was contract concept number 1 that you
7 approved yesterday.

8 We've gotten into this in terms of trying to find
9 a school to develop and promote as a demonstration school
10 to other schools, so that they can learn from the
11 experiences and hopefully incorporate a lot of the aspects
12 of the California High Performance Schools effort, known
13 as CHPS.

14 Anyway, the point is is that this thing has a
15 certain amount of urgency because it's linked to the
16 matching school bond funding process, so we felt that the
17 three additional weeks to get this onto the November
18 calendar would be very critical.

19 The scope of work, which will not exceed \$250,000
20 will result in the specification of recycled content,
21 environmentally preferable building materials,
22 certification of a high performance demonstration school,
23 and that's under the CHPS, criteria, which will become
24 available starting November 1st. There will be a press
25 event that -- once the school bond funds have been

1 awarded, there will be a press event that we hope that we
2 can get out to the other schools to make them aware sooner
3 than later in the process.

4 The product research conducted under this
5 contract, procurement of recycled content and building
6 materials, we're looking to, if necessary, pay the
7 differential if some exists. We're finding that that's
8 not always the case. We will also go through a
9 verification of the procurement, and the percentage of
10 those materials, somewhat akin to the SABRAC verification
11 process.

12 We are obviously looking for development of a
13 case study that we can share. We also want to measure
14 outcomes including C&D diversion, and we would then be
15 looking for placement of signage identifying the school as
16 a California Integrated Waste Management Board sponsored
17 high performance demonstration school.

18 And with that, we would ask that you approve
19 Option 1 and adopt Resolution 2001-429.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you very
21 much. It's really exciting to be involved in this, and I
22 would certainly recommend approving it. And I'd like to
23 have the record note that Senator Roberti is present.

24 Senator Roberti, do you have any ex partes?

25 BOARD MEMBER ROBERTI: Yes. An email from John

1 Goodwin of Synagro Corporation regarding the composting
2 regulations of the South Coast Air Quality District. And
3 Mr. Paul Held the Mayor of Claremont regarding
4 something --

5 (Laughter.)

6 BOARD MEMBER ROBERTI: Regarding AB 939 and other
7 items.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you,
9 Senator Roberti.

10 Okay, questions, discussion on Item 32?

11 Mr. Medina.

12 BOARD MEMBER MEDINA: Madam Chair, I'd like to
13 move Resolution 2001-429, approval of scope of work for
14 the California high performance demonstration school
15 contract fiscal year 2000/2001 contract Concept number 1.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you, and I
17 will second.

18 Motion by Mr. Medina, seconded by
19 Moulton-Patterson to approve resolution 2001-429.

20 Please call the roll.

21 SECRETARY FARRELL: Eaton?

22 BOARD MEMBER EATON: Aye.

23 SECRETARY FARRELL: Jones?

24 BOARD MEMBER JONES: Aye.

25 SECRETARY FARRELL: Medina?

1 BOARD MEMBER MEDINA: Aye.

2 SECRETARY FARRELL: Paparian?

3 BOARD MEMBER PAPARIAN: Aye.

4 SECRETARY FARRELL: Roberti?

5 BOARD MEMBER ROBERTI: Aye.

6 SECRETARY FARRELL: Moulton-Patterson?

7 CHAIRPERSON MOULTON-PATTERSON: Aye.

8 Thank you.

9 Mr. Estes.

10 MR. ESTES: Agenda Item 33 follows up on 32 and
11 asks for your consideration of approval of a contractor
12 for the California high performance demonstration school
13 contract. We're seeking approval to contract with the
14 Santa Ana Unified School District for \$250,000 to perform
15 the tasks outlined in the previous item, and effectively
16 get, you know, kick the demonstration school process off.

17 They are siting a school known as Lauren Grisset
18 in the Santa Ana area. It will be, I guess -- effectively
19 they're reusing some plans or modifying some plans, which
20 is an advantage.

21 They will be submitting their applications within
22 the next couple of months to the Division a State
23 Architecture and we do have an opportunity to influence
24 this school.

25 How we became aware of this school was through

1 the CEC's similar offering for a demonstration school
2 process. They had funds available to effectively fund two
3 schools, and this was the first runner up school and it
4 fit the criteria. There were three additional schools.
5 The other two were too far along in the construction and
6 design process to where we could actually have an
7 influence.

8 Santa Ana is the second most impacted school
9 district behind Los Angeles. Los Angeles is actually
10 getting two demonstration schools through partnerships
11 with utilities, so we felt that this was a good school to
12 move with.

13 There, obviously, as you heard the woman
14 yesterday, Ms. McLaughlin, they're motivated. They want
15 to work with us. And they actually, which I think is very
16 important, they welcome the idea of being a demonstration
17 school and sharing their experiences with other
18 prospective school districts, which is exactly what we
19 want.

20 She also mentioned to me that there's interest on
21 the part of teachers to incorporate the green building
22 aspects into curriculum, which would be, I think, an added
23 bonus. And so with that, I would ask that you would
24 approve Option 1 and adopt Resolution 2001-430.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.

1 Estes.

2 Mr. Medina.

3 BOARD MEMBER MEDINA: Madam Chair, I'd like to
4 move Resolution 2001-430, approval of contractor for the
5 California high performance demonstration school contract
6 fiscal year 2000/2001, contract concept number 1, which
7 will deliver \$250,000 to southern California.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you, and
9 I'll second that.

10 (Laughter.)

11 CHAIRPERSON MOULTON-PATTERSON: Please call the
12 roll.

13 SECRETARY FARRELL: Eaton?

14 BOARD MEMBER EATON: I guess that's what's called
15 geopolitically correct.

16 Aye.

17 SECRETARY FARRELL: Jones?

18 BOARD MEMBER JONES: Aye.

19 SECRETARY FARRELL: Medina?

20 BOARD MEMBER MEDINA: Aye.

21 SECRETARY FARRELL: Paparian?

22 BOARD MEMBER PAPARIAN: Aye.

23 SECRETARY FARRELL: Roberti?

24 BOARD MEMBER ROBERTI: Aye.

25 SECRETARY FARRELL: Moulton-Patterson?

1 CHAIRPERSON MOULTON-PATTERSON: Aye.

2 Thank you, Mr. Estes.

3 BOARD MEMBER ROBERTI: Madam Chair.

4 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

5 BOARD MEMBER ROBERTI: I had one other ex parte
6 which I had forgotten, that is last night with Mr. Mark
7 Aprea, a general meet and greet.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you. We
9 have a little bit of a change in our schedule, since we
10 did get through our agenda rather quickly this morning. I
11 believe I'd like to, if it's okay with my other board
12 members, have our -- take a short break and then have our
13 closed session right around the corner, and then we will
14 have lunch and be back here at 2:00 to 3:00 to hear Rule
15 1133, public testimony. Is that okay with everyone?

16 However, we do have -- Mr. Eaton.

17 BOARD MEMBER EATON: When you're finished, I just
18 wanted to say something.

19 CHAIRPERSON MOULTON-PATTERSON: Okay, great.
20 After Mr. Eaton's comment, there is one person.
21 Generally, we have public comments at the very end of the
22 meeting, but rather than having this gentleman wait until
23 3:00 o'clock, I thought we could go ahead and take it now,
24 but would you rather wait until after or just have your
25 comment now?

1 Why don't you go ahead, Mr. Eaton, and then I'll
2 take public comment.

3 BOARD MEMBER EATON: Madam Chair, this is sort of
4 having to do with item number 18 not to revisit it. This
5 was the instance where there was some discussion earlier
6 this morning about the local tire enforcement grants cycle
7 where I believe it was \$678,000 or roughly \$700,000, and
8 we, as a board, had allocated two million. There were a
9 number of comments that were made.

10 In Mr. Leary's presentation with the executive
11 orders issued by our Governor yesterday, and so it was
12 just, as I was thinking here, as we had some lull that
13 perhaps I was wondering if since there is still \$1.4
14 million left on the table or \$1.3 million left on the
15 table, isn't this a perfect opportunity, one, can we have
16 another grant cycle, to see if we can't with outreach
17 programs based upon some of the ideas that were raised
18 here, by both of yesterday's environmental justice.

19 After all, this is not an issue of north/south.
20 This is an issue of where the tires and the tire dealers
21 happen to be, so this would be a perfect opportunity to
22 use some of the environmental justice principles we
23 adopted yesterday for outreach, as well as going into
24 northern and southern California. We've still got 1.3
25 million on the table.

1 And given the fact, Mr. Leary, as I listened to
2 your presentation of the executive order, we're not
3 allowed to hire any of the enforcement staff if we haven't
4 already; is that correct, unless we --

5 EXECUTIVE DIRECTOR LEARY: That's correct.

6 BOARD MEMBER EATON: There's a lack of
7 enforcement. So this money could be used, if we
8 aggressively went out and got the local, to still comply
9 with what the Governor is asking us to do and yet, at the
10 same time, perform a task by not leaving the money on the
11 table.

12 So I don't know how we do it, but each of you
13 have had some ideas of how we can do outreach and get this
14 money on the table, but it would seem that that's really a
15 critical issue for us, is if -- we don't want to be saying
16 well, we couldn't do it because we couldn't hire, that's
17 not the issue. The issue is we have the ability through
18 outreach and going into some of the areas, maybe Mr.
19 Paparian talked about, and the environmental justice
20 issues that we can -- I think we can get this money out if
21 we can do another cycle, and it's just something we should
22 think about. And maybe you want to explore it or talk to
23 other board members, they may have some ideas.

24 EXECUTIVE DIRECTOR LEARY: I appreciate your
25 observation and your point is very well taken, Mr. Eaton.

1 I think, as Martha commented in closing, we are seeking to
2 go to another cycle on the enforcement grants this year,
3 so we don't leave that money on the table.

4 And to supplement the comment on the executive
5 order, it's not that we can't hire and fill those
6 positions, it's just that we can't hire staff that are new
7 to State government. So with an aggressive enticing
8 program like a tire program, I imagine we'll be able to
9 attract some very talented people from other agencies to
10 participate in our tire program, which, as we all know, is
11 sufficiently funded and aggressive and new and high
12 profile. So I think that will be the effort to attract
13 those new staff.

14 But the point is very well taken and we will move
15 aggressively to implement that next grant cycle and to
16 spend the tire money as we've been allocated.

17 CHAIRPERSON MOULTON-PATTERSON: I think that's an
18 excellent suggestion, Mr. Eaton. And I know I'll be
19 attending League of Cities, and I think CSAC is coming up
20 in November. And I think getting the word out there, you
21 know, sometimes just like in the State and local
22 jurisdictions, one hand doesn't know what the other hand
23 is doing. And if we could really outreach just on the
24 personal level, and I think it might be too late to have a
25 booth at those groups, but, you know, get the message out

1 each of us have our own networks, we certainly could try.

2 So thank you for bringing that up, Mr. Eaton.

3 Mr. Jones, did you have something to say on that?

4 BOARD MEMBER JONES: No.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. We have
6 public comment. Chris Ludlum from the City of Arcadia.

7 MR. LUDLUM: Good morning.

8 CHAIRPERSON MOULTON-PATTERSON: Good morning.

9 MR. LUDLUM: Thank you for taking me out of time.

10 Chris Ludlum, with the City of Arcadia there to discuss
11 about mine reclamation facilities in southern California,
12 in particular San Gabriel Valley.

13 What I have here is a slide and I provided you
14 guys handouts as well, in regards to two inert or mine
15 reclamation facilities. I was wondering if the Board
16 could tell us, the City of Arcadia, as far as what the
17 difference is between the two.

18 CHAIRPERSON MOULTON-PATTERSON: Could you repeat
19 what you're asking, please, Mr. Ludlum.

20 MR. LUDLUM: I have slides and I've provided you
21 guys with pictures here of two mine reclamation
22 facilities. I wanted to know if you could tell us, the
23 City of Arcadia, the difference between the two.

24 CHAIRPERSON MOULTON-PATTERSON: We'll
25 certainly --

1 MR. LUDLUM: The only difference I can see is one
2 of them is a permitted facility, has a solid waste
3 facility permit.

4 CHAIRPERSON MOULTON-PATTERSON: Right, and I
5 believe I was out there and you took us on that little
6 tour.

7 MR. LUDLUM: This inert accounts for
8 approximately 25,000 tons of the City of Arcadia's
9 disposal every year. In 1999 we realized a 24 percent
10 diversion rate. If you excluded the inerts, which we did
11 submit to AB 939 reports, we would have realized a 40
12 percent diversion rate.

13 Inerts significantly impact the City of Arcadia.
14 I would like to urge the Board to try anything you can to
15 help the City of Arcadia in its efforts to have inerts,
16 which is clean dirt, rock, concrete, cured asphalt to not
17 count as municipal solid waste. We are trying diligently
18 to work with all of our C&D contractors to divert this
19 material from municipal solid waste landfills, but yet
20 we're still being penalized and it's happened continuously
21 throughout.

22 CHAIRPERSON MOULTON-PATTERSON: Just refresh me,
23 Mr. Ludlum, because I know I was really impressed with,
24 you know, your dire situation, who on our staff are you
25 working with?

1 MR. LUDLUM: I've been working -- attending the
2 meetings in the beginning in regards to the C&D
3 regulations. As far as right now, though, it's only
4 focusing on the processing side. As to my understanding,
5 approximately January or February they're going to be
6 looking towards the actual DRS side of it. I have spoken
7 with Mark De Bie in regards to this, but yet it's -- the
8 wheels of government sometimes grind slowly.

9 CHAIRPERSON MOULTON-PATTERSON: We're all aware
10 of that. And I certainly appreciate you coming, and we
11 are here today -- maybe you and Mr. De Bie could sit down
12 and talk and we can see what the next step is.

13 And Mr. De Bie can meet with my staff and we can
14 see where we go from here, but I do appreciate your
15 situation and we really want to help.

16 MR. LUDLUM: Thank you very much.

17 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

18 BOARD MEMBER ROBERTI: Yes, I was at the of
19 Arcadia as well, and I think they have a very good case.
20 The source seems to be sort of continuing with us. And I
21 really do think we should maybe try to push for a
22 resolution.

23 I think they have a very strong case, because we
24 treat permitted facilities differently from the
25 nonpermitted ones. In fact, the permitted facilities, in

1 effect, are penalized by our accounting procedure, which
2 seems to set reality or practicality on its head.

3 So from my point of view, I hope very much that
4 staff comes up with proposals so that we treat the two
5 types of facilities the same, and so that jurisdictions
6 that dispose in permitted facilities are not treated
7 differently from those that use nonpermitted, especially
8 in the area of inert, which obviously is not as serious a
9 kind of waste as some of the other stuff we deal with.

10 So I really think it is something that has to be
11 pressed, hopefully immediately and is not delayed.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you,
13 Senator Roberti, and I wanted to turn it over the Ms.
14 Nauman. I believe we are working very hard and in January
15 we might have some answers for you.

16 Ms. Nauman.

17 DEPUTY DIRECTOR NAUMAN: Yes, Madam Chair. As
18 we've discussed with the Board before, we have a two
19 phased approach to the revised version of the C&D
20 regulations which the Board saw a couple of years ago.
21 And there were some major issues raised at the end of that
22 regulatory development process, which caused us to rethink
23 the approach and begin the process of developing C&D
24 regulations again.

25 We're currently in phase 1 looking at the

1 transfer processing portion of C&D regulations and then we
2 will be moving in the next couple of months into the
3 disposal side. And this was an issue that you talked
4 about at your July meeting in part related to the issues
5 of disposal reporting.

6 But right now as our structure works, if a
7 facility has a permit, then materials going in count as
8 disposal. So we will definitely be looking at this issue.
9 It's a complicated one. It relates to the mine
10 reclamation study that we currently have underway that
11 Senator Roberti proposed some time back.

12 So these issues will come together and we will
13 continue to talk with the City of Arcadia and others that
14 are impacted.

15 BOARD MEMBER ROBERTI: Madam Chair.

16 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

17 BOARD MEMBER ROBERTI: I don't want the staff to
18 think I'm criticizing them, because our processes are such
19 they've built up over the years and many are dictated by
20 law, so I'm not criticizing staff.

21 But on the mine disposal, I think I brought that
22 up when I first joined the Board, that was over two years
23 ago. Everything just takes so long.

24 CHAIRPERSON MOULTON-PATTERSON: It is
25 frustrating.

1 BOARD MEMBER ROBERTI: So interminably long, you
2 know, that there's no continuing -- there's no
3 institutional memory, because, you know, when I brought
4 that up, I think there was only -- I think Mr. Jones was
5 the only other member of the Board that was here.

6 And if he and I, you know, aren't here, then
7 everybody's going to forget that was brought up. Excuse
8 me, Danny was here. Excuse me, Danny.

9 BOARD MEMBER EATON: That was 515, if I remember.

10 BOARD MEMBER ROBERTI: Yes, yes. So I'm not
11 complaining to staff, but it is something in our
12 processes, and I'm actually glad Ms. Nauman raised the
13 point that I raised, because it was just so long ago.

14 CHAIRPERSON MOULTON-PATTERSON: And we do
15 understand your frustration. I know my first meeting in
16 September '99 we were talking about it.

17 Mr. Jones.

18 BOARD MEMBER JONES: Madam Chair, I think one of
19 the things is that the law reads that if it goes to a
20 permitted facility, it has to be counted as either
21 disposal or recycling when it is used for foundation
22 materials something like that. It's not a staff issue,
23 it's a statute issue. It's what is written into the law.

24 And the fact that in the Gabriel Water District
25 or watershed or whatever they call it, there are 19

1 facilities, 16 are nonpermitted, so they count as disposal
2 or diversion, three are permitted and by statute have to
3 be counted. But, you know, I'm looking at the
4 nonpermitted facilities, Chandlers, and I see process
5 material.

6 MR. LUDLUM: You see that as well.

7 BOARD MEMBER JONES: I look at the New Way
8 Facility, and while there is some process material, a lot
9 of material is going in in pretty big pieces. So if it's
10 a mine reclamation project, which we know it is, and I
11 guess they want to build buildings on it or something like
12 that, what is the standard for the compaction level as
13 this is being built in grade, is it 70 percent, is it 80
14 percent compaction?

15 MR. LUDLUM: I honestly don't know. I'd have to
16 defer to the mine reclamation of what they have.

17 BOARD MEMBER JONES: It's critical in the
18 argument about is it diversion or isn't it diversion,
19 because we allow diversion credit when ripped up roads are
20 ground into a material that is capable of supporting the
21 infrastructure of a road.

22 MR. LUDLUM: Correct.

23 BOARD MEMBER JONES: But it is processed to a
24 certain size, to a spec, and that it is put in place and
25 it is compacted to a density that allows that road to go

1 on. If you're going to do a mine reclamation project
2 where you want to build a building, there has to be a spec
3 as to what the fill material can be. It can't be any
4 bigger than nine inches. It can't be any bigger -- I
5 don't know what the ordinances are down here. And every
6 jurisdiction sort of has, I think, they all have their own
7 criteria what is appropriate fill.

8 MR. LUDLUM: To my understanding they do, but as
9 well as they have a federal mine reclamation plan in
10 places where it is engineered to ensure there is
11 compaction to happen, but clearly, too, this is strictly
12 inerts. It is not MSW. It is dirt, rock, concrete. They
13 do process this throughout. You are going to get
14 instances to where there is substantial rebar in it or
15 that things are just too big in order to crush up.

16 I agree with you one hundred percent, but to
17 penalize the City of Arcadia to have us show up in four --
18 we have inerts going to four facilities in the San Gabriel
19 Valley, three of which -- Azusa takes tires and asbestos.
20 So if we ruled that out, there is three facilities there
21 that are permitted that strictly take inerts that show up
22 as MSW, and we're then penalized for that as we're trying
23 to achieve our 50 percent mandate.

24 BOARD MEMBER JONES: Understood. But it is not
25 being penalized by this Board. It is the statute that

1 says any material that goes in there is recycled. So my
2 questions were actually going to try to help you, because
3 my question, which you may want to take back and find out
4 is do they process the material to county spec that allows
5 it to be of a size that can build up a layer, you know,
6 six inch minus, seven inch minus, nine inch minus, compact
7 it to a compaction rate that would allow buildings in the
8 future?

9 If you can find out if that's the way they're
10 doing this, and they are processing that material, that's
11 no different than doing it in a roadway, but that's not
12 what we saw. We saw trucks coming from construction sites
13 with pieces of concrete that were 10, 12, 14 feet long
14 being dumped into the face and being run over by a
15 tractor. That's not building a construction grade.

16 MR. LUDLUM: I agree.

17 BOARD MEMBER JONES: Okay. And that's where our
18 problem is, when you team that up with what the statute
19 is, and the operation, then it can only be counted as
20 disposal by law. That's how I view it.

21 BOARD MEMBER LUDLUM: I guess I would have to beg
22 the question, why only three facilities in the State, in
23 particular there in the San Gabriel Valley?

24 BOARD MEMBER JONES: They have municipal solid
25 waste landfill permits. If they did not, they wouldn't

1 count it as diversion or disposal.

2 MR. LUDLUM: And all the City of Arcadia is
3 looking for is an equitable playing field.

4 BOARD MEMBER JONES: Understood. We have
5 talked -- Madam Chair, let me just finish one second.
6 We've talked to Mr. Mohajer and a few others to see if the
7 water masters -- they're the ones that insisted that these
8 get solid waste facility permits.

9 If the water master says to permit something
10 other than, because they want to protect the groundwater,
11 if there is something other than a solid waste facility
12 permit, all of a sudden those are not -- they don't fall
13 in that category.

14 MR. LUDLUM: And actually we do have a letter
15 from San Gabriel Valley Water Master explaining their
16 intention of it. I'd be more than happy to forward that
17 up to you guys.

18 BOARD MEMBER JONES: That they're going to make a
19 change?

20 MR. LUDLUM: No, it was just their logic and
21 reasoning for requiring a solid waste facilities permit at
22 that time, when these facilities wanted to begin accepting
23 the inert materials, because bottom line they just want to
24 protect the groundwater and they just wanted another layer
25 of regulatory agencies, but yet their intention wasn't for

1 it to show up as municipal solid waste.

2 And at the time the facilities took the permit,
3 it never dawned on them as well that it would actually
4 show up on the disposal report system.

5 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

6 BOARD MEMBER ROBERTI: Yeah, Madam Chair, at some
7 point, I do think there is a regulatory question, whether
8 it is our regulation or how our regulation interplays with
9 regulations of other entities, whether they're local or
10 statewide, I think is relevant, because it just cannot be
11 that facilities that take in the same kind of material,
12 some are permitted and some aren't permitted, that isn't a
13 regulation of statute.

14 That is a regulation. And it's a regulation
15 which our interplay with the regulations of other entities
16 somehow works out to the disadvantage of some communities,
17 so we have to work both at a regulatory level, how our
18 regulations interplay with those, such as the water
19 master, and as well discuss whether statutory change is
20 necessary, because if statute is involved, and it may very
21 well be, then I think we have to move somewhat quickly on
22 it.

23 But this thing has been -- this general area has
24 been pending before us for quite some time, and I know
25 Arcadia has been concerned about it for quite some time,

1 and we drag on and we drag on. And if Arcadia is not
2 lucky, the chances are that our next meeting in Diamond
3 Bar two years from now he'll be here testifying on the
4 same question, and maybe we won't have any of the same
5 members who had a discussion of it this year, and I'm not
6 trying to be facetious, but it is a real problem.

7 CHAIRPERSON MOULTON-PATTERSON: It certainly is,
8 and I hope Mr. De Bie you can take a little time with Mr.
9 Ludlum and get back to me and the Board. And I appreciate
10 your persistence, and thank you. We'll try and get some
11 answers for you.

12 CHAIRPERSON MOULTON-PATTERSON: At this time,
13 we're going to take a five minute break, then we're going
14 to have closed session. We'll be back at 2:00 o'clock to
15 discuss the South Coast Air Quality Management District
16 proposed rule 1133.

17 Thank you very much.

18 (Thereupon a lunch recess was taken.)

19

20

21

22

23

24

25

1 AFTERNOON SESSION

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to bring
3 this meeting back to order.

4 Thank you.

5 Mr. Eaton ex partes?

6 BOARD MEMBER EATON: None to report thank you,
7 Madam Chair.

8 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

9 BOARD MEMBER JONES: Kelly Astor, Joe Sloan,
10 Clarence Geich, Mike Miller, Art Cesarian and just a
11 friendly discussion. And you can't talk with garbage men
12 without talking about garbage issues.

13 CHAIRPERSON MOULTON-PATTERSON: You had a busy
14 lunch.

15 Mr. Medina.

16 BOARD MEMBER MEDINA: None to report.

17 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

18 BOARD MEMBER PAPARIAN: Denise Delmatier
19 regarding the ADC issue. And I also spoke with Terry
20 Leveille and a number of his tire related clients
21 generally about tire issues.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you, and I
23 have none.

24 Mr. Jones.

25 BOARD MEMBER JONES: Terry Leveille and his group

1 talked to me about a tire issue.

2 CHAIRPERSON MOULTON-PATTERSON: Okay. As was
3 noticed, we're going to be listening to Agenda Item 30,
4 discussion. And it's scheduled from 2:00 to 3:00. We
5 have a number of speakers, and I would ask that you try
6 and keep your testimony to about three minutes, we'd
7 really appreciate it.

8 Ms. Friedman.

9 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER
10 FRIEDMAN: Good afternoon, Chairman Moulton-Patterson and
11 board members. Agenda item 30 is discussion of South
12 Coast Air Quality Management District's proposed Rule
13 1133, Emission Reductions from Composting Facilities and
14 Related Operations.

15 For the record, I'm Judy Friedman from the Waste
16 Prevention and Market Development Division.

17 As we only have one hour for this item, I will
18 keep my remarks brief and following me will be Mr. Laki
19 Tisopulous, who's the Assistant Deputy Executive Officer
20 from the South Coast Air Quality Management District, who
21 will also briefly address the Board, and his comments will
22 be no more than ten minutes.

23 Upon conclusion of our respective remarks the
24 Board will hear from a number of interested people. And,
25 as you said, we are requesting that each presenter limit

1 his or her remarks to no more than three minutes to allow
2 everyone an opportunity to speak.

3 We also ask for their written comments to be
4 submitted for the record. We will be including in the
5 record all comment letters we've received, and so far we
6 have received 22 letters.

7 With your concurrence, I ask that Board Members
8 hold their questions till the end of public testimony,
9 which will allow you an opportunity to ask your questions
10 of anyone of us.

11 As you may know, the South Coast Air Quality
12 Management District is proposing a rule, 1133, titled
13 Emission Reductions from Composting and Related
14 Operations. The proposed rule currently mandates total
15 enclosure of green material handling and bio-solid
16 processing operations as a means to reduce emissions of
17 ammonia and Volatile Organic Compounds or VOCs.

18 The proposed rule has generated a great deal of
19 concern by staff of our board, our board members and our
20 stakeholders, including local governments and private
21 industry. These concerns relate to the specific impacts
22 of the rule, as well as cross media implications,
23 including data assumptions and data limitations; questions
24 of whether the proposed rule will achieve the desired
25 emission reduction result concerns about increased

1 emissions from the likely alternatives to composting and
2 green material handling, such as increased land-filling
3 and hauling due to the closure of existing facilities and
4 the abandonment of projected facilities; feasibility,
5 including costs of implementation of the rule and
6 increases in ratepayer costs; effects on the
7 infrastructure that have been developed and the
8 jurisdiction's ability to meet AB 939 mandates; and the
9 effects of all of the above have on overall statewide
10 achievement of AB 939.

11 Because of these concerns, Board Member Jones
12 asked and the Board agreed to have an agenda item at this
13 Board meeting to provide an opportunity in a public forum
14 to hear presentations of information about and concerns
15 with the proposed rule and the impacts on AB 939, both
16 locally and statewide.

17 Also, because of these concerns, board staff have
18 devoted considerable time and resources to pursuing
19 satisfactory resolution of this issue. In fact, we have
20 submitted three comment letters to the district raising
21 questions, identifying concerns and recommending an
22 investigation of performance based measures through best
23 management practices as an alternative to the prescriptive
24 standards that the current rule would require.

25 Board staff urgently became aware of the

1 District's intentions to promulgate a rule in October 2000
2 when district staff agreed to include board staff in the
3 development of rule language. However, it wasn't until
4 August 2001 when staff next heard from the district and
5 this was when the proposed rule was noticed to the public.

6 Our current information indicates that the
7 district will be voting on adoption of this rule in
8 January. Since August, there have been two public
9 workshops, one public hearing and several meetings between
10 the staffs of the two agencies. Board Member Jones has
11 been present at several of these meetings and at the
12 hearing.

13 Earlier, I identified for you some of the issues
14 that we have concerning the proposed rule. To illustrate
15 why a rule that pertains to only the South Coast Air
16 District has such far reaching implications, I draw your
17 attention to the following.

18 (Thereupon an overhead presentation was
19 presented as follows.)

20 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER
21 FRIEDMAN: First of all, this rule affects materials that
22 make up a significant portion of the waste stream in the
23 four counties included in the district's area, as well as
24 statewide. This slide shows the components of the waste
25 stream and their estimated proportion in the four counties

1 affected by the district, based on data collected in the
2 Board's 1999 statewide waste characterization study.

3 For this chart yard waste and wood waste have
4 been combined into their own category separate from other
5 organic materials since the yard waste and wood waste are
6 typical feedstocks for compost and processing operations.

7 Note that this shows materials disposed only and
8 does not include ADC or materials diverted through other
9 programs.

10 --o0o--

11 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER
12 FRIEDMAN: The next slide shows how the composition of the
13 waste stream has changed over the past 11 years in
14 response to AB 939. In 1990 yard and wood waste made up a
15 significant portion of both overall materials generated as
16 well as materials destined for disposal.

17 In 1999, they still are an important part of the
18 disposed waste stream, but the amounts disposed have
19 decreased drastically from about 9.8 million tons in 1990
20 to about 5.7 million tons in 1999, despite the significant
21 increase in population, and expansion of the State's
22 economy since 1990 and the fact that 1990 was a drought
23 year, which probably somewhat suppressed generation of
24 clean waste.

25 Although, this data is for the statewide waste

1 stream, preliminary comparisons of statewide data to that
2 for the four county area show the compositions to be very
3 similar.

4 --o0o--

5 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

6 FRIEDMAN: Industry estimates that about four million tons
7 of yard and green waste are diverted through composting
8 and processing in the four county area. This chart shows
9 that if these materials were to be disposed, yard and wood
10 waste would increase from about 13 percent of the disposed
11 waste stream to about 28 percent.

12 In 1999, about one million tons of ADC was
13 reported in the four counties. Assuming all this was
14 green waste, and even if you assume that this amount would
15 still be diverted, the remaining three million tons added
16 back in the disposal would result in yard waste and green
17 waste still making up about 25 percent of the disposed
18 waste stream.

19 --o0o--

20 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

21 FRIEDMAN: For comparison, here is the first slide I
22 showed you again, which estimates the current make up of
23 the disposed waste stream. These charts overall show that
24 organic materials make up a significant part of the waste
25 stream, that the disposal of these materials has been

1 greatly reduced as the AB 939 diversion program has been
2 implemented. And if these programs are halted, disposal
3 of these organics would have a major impact on the waste
4 stream.

5 --o0o--

6 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

7 FRIEDMAN: The previous chart set the context for the
8 current disposed waste stream and some potential effects
9 that PR 1133 could have on it. The next few slides
10 present some information concerning potential impacts of
11 the rule on diversion.

12 --o0o--

13 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

14 FRIEDMAN: Green waste industry estimates four million
15 tons processed annually in the district.

16 --o0o--

17 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

18 FRIEDMAN: For the interests of time, I'm going to skip a
19 couple of slides. The diversion requirement slide,
20 basically the most important point is diversion, is
21 measured indirectly through reduction in disposal tons.

22 Green waste diversion programs in the South Coast
23 Air Quality Management District. Information on two of
24 the 12 major types of green waste diversion programs
25 implemented in jurisdictions show that many jurisdictions

1 are relying on green waste diversion. Over 100
2 jurisdictions in the South Coast District are implementing
3 green waste collection programs, and over 60 jurisdictions
4 in the district are using composting facilities.

5 --o0o--

6 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

7 FRIEDMAN: Potential Impacts on City Operated Diversion
8 Programs. In year 2000 annual reports on progress and
9 implementing diversion programs to achieve 50 percent
10 diversion, 94 percent of the cities and counties in the
11 district report they're implementing at least three green
12 waste programs.

13 This represents a substantial investment by
14 cities and counties and the waste management industry.
15 Please note that the remaining six percent report that
16 they have at least one green waste program. Several
17 jurisdictions have reported tonnage on programs that the
18 jurisdictions operate.

19 For example, Fontana reports that 16 percent of
20 total waste generated is collected by the city green waste
21 collection program. And the City of Los Angeles reports
22 that six percent of total waste generated in the city is
23 collected by the city green waste collection program. In
24 these examples, if these diversion programs were no longer
25 available, then it would reduce these jurisdictions'

1 diversion rates by 16 and six percent respectively.

2 --o0o--

3 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

4 FRIEDMAN: Thus, this rule as it's currently written, has
5 the potential to jeopardize the achievement and
6 maintenance of AB 939. It should be noted that in every
7 meeting and in our correspondence with the district, we
8 have offered to work together to investigate and develop
9 data to determine what is needed to reduce emissions, and
10 as appropriate to develop a rule, which protects air
11 quality without negatively impacting AB 939 mandates.

12 Board staff has expressed the desire to be a
13 partner with the district and provide our expertise to the
14 districts so the district can achieve its mandate and the
15 Board can meet its mandate as well.

16 In fact, the Board set aside contract funds in
17 Agenda Item 15 to that end, and it is our goal that
18 ultimately we can work cooperatively in this endeavor.

19 This concludes my brief remarks. Following me
20 will be, as I said, Mr. Laki Tisopulous. Following his
21 brief remarks we will move into the public testimony. I
22 want to reiterate that in the public testimony portion of
23 the agenda, we request that each presenter limit his or
24 her remarks to no more than three minutes to allow
25 everyone an opportunity to speak. And we also ask for

1 their written comments to be submitted for the record. It
2 is our intention to submit a copy of all of these
3 documents, plus a transcript of today's discussions to the
4 South Coast for their records.

5 Thank you.

6 Mr. Tisopulous.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
8 Friedman.

9 SOUTH COAST AQMD ASSISTANT DEPUTY EXECUTIVE
10 OFFICER TISOPULOUS: Thank you, Ms. Friedman.

11 Good afternoon, Madam Chair and Members of the
12 Board. My name, for the record, is Laki Tisopulous. And
13 I'm an Assistant Deputy Executive Officer with the agency.

14 I want to thank you all for the opportunity to
15 offer you a brief status report on Proposed Rule 1133.
16 Actually, it's going to be a two-part presentation.
17 Before I turn it over to my colleague, Alene Taber, who's
18 managing the program and who is going to be giving you the
19 details on the proposal, I would like to offer a few
20 introductory remarks.

21 As you may know, the agency has jurisdiction over
22 the four-county area here in south coast, Los Angeles,
23 Orange County, Riverside and San Bernardino. We are the
24 nation's only extreme nonattainment area. And as such,
25 our mission is to bring this area into attainment with

1 both the federal and State air quality standards and
2 protect the public health.

3 Rule 1133, the proposed rule, is a very important
4 rule from that standpoint. It not only improves air
5 quality by reducing emissions but also protects public
6 health, because some of the emissions associated with
7 these operations, such as ammonia, have been considered as
8 a precursor to fine particulates, which are known to have
9 adverse health impacts.

10 As a background, we do develop long-term plans
11 and then we also develop rules and regulations that do
12 implement and execute those plans. And 1133 is one of
13 those. One thing that I want to make sure that you all
14 understand and you keep in the back of your minds, as we
15 develop these rules, we work diligently with all the
16 impacted parties, with all the stakeholders. And we are
17 going to follow the same procedure even with this rule.
18 We do understand that there are a lot of questions and
19 issues, but rest assured that we are going to sort through
20 those and we are going to work with each and every
21 impacted party.

22 And keep in mind whatever we are presenting today
23 to you is a rule in the making. It's a draft rule at
24 best, and it's going to go through several iterations.

25 With that, I'm going to turn it over to Alene

1 Tabor who is the manager of the agency's CEQA
2 socioeconomic and particulate matter control strategy
3 section, and she's going to offer you the brief status
4 report on the rule.

5 Thanks.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 MS. TABER: Good afternoon.

8 (Thereupon an overhead presentation was
9 presented as follows.)

10 MS. TABER: I have a very brief staff report for
11 you to basically go over our Proposed Rule 1133. And as
12 Laki said, this is really a rule in the making.

13 --o0o--

14 MS. TABER: Just to summarize, the air quality
15 management district is the agency responsible for air
16 quality planning and compliance. And just to give you a
17 sense of what our jurisdictional boundaries are, we have
18 Orange County and the non-desert portions of Los Angeles,
19 San Bernardino and then a majority of Riverside County.

20 --o0o--

21 MS. TABER: You're probably asking the question
22 as to why are we developing rule 1133, Laki alluded to a
23 lot of those reasons. First of all, composting is a
24 source of ammonia. It's also a source of Volatile Organic
25 Compounds. In addition, there are health effects that are

1 associated with these compounds that affect the citizens
2 in our region.

3 We also have to comply with federal and State
4 Clean Air Acts that prescribe us to take certain actions.
5 And, in addition, controlling composting, emissions from
6 composting, is a known technology. No new technologies
7 need to be developed.

8 Just to briefly identify for you some of the
9 health effects that are associated with these pollutants,
10 the top couple health effects are both for PM 10 and
11 Volatile Organic Compounds, but PM 10 is the only
12 pollutant that has actually been linked in studies to
13 premature death, and there are some of the reasons why.

14 --o0o--

15 MS. TABER: We also need to comply with a
16 regulatory structure just like you all comply with a
17 regulatory structure. That includes the federal Clean Air
18 Act. As Laki said, we're the only extreme nonattainment
19 area for ozone, so controlling VOC emissions is very
20 important to this region.

21 In addition, we are a serious area for PM 10 and
22 again PM 10 has very significant health effects associated
23 with it. The California Clean Air Act and the federal
24 Clean Air Act mandate that we do make progress towards
25 achieving healthful air. And I've provided forward you

1 the dates that we are required, under the federal Clean
2 Air Act, to achieve those standards. And in order to get
3 their, we needed to control emissions from all possible
4 sources.

5 As a part of getting and being able to show that
6 we're going to achieve those standards, we developed an
7 air quality management plan that we have to submit to Cal
8 Air Resources Board. We also submit it to the federal
9 EPA. And part of that plan included a control measure for
10 us to control emissions from composting operations. And
11 that plan has been approved by the Cal Air Resources Board
12 as well as by the U.S. EPA.

13 --o0o--

14 MS. TABER: I just want to summarize for you the
15 control methods and technologies we're talking about.
16 They're technologies that are being used by composting
17 facilities. There's one facility in this region as well
18 as in other areas of the United States. They basically
19 involve a combination of enclosure operations, aerated
20 static piles and controlling emissions by vending them to
21 a bio-filter.

22 There are some local projects that are on the
23 books to do various combinations of these, and I briefly
24 summarized those for you. So there is some effort already
25 in this region to control emissions from composting

1 activities.

2 --o0o--

3 MS. TABER: And I do want to note that those
4 facilities are dealing with bio-solids.

5 Basically, our rule, as it stands right now, has
6 two parts to it. There's a chipping and grinding part
7 that I believe you all refer to in your regulations as the
8 processors. For those operations, they would need to
9 submit a compliance plan to the district that would
10 basically entail the steps that they were going to take to
11 reduce fugitive dust emissions. So it would involve
12 things like watering, putting up screening. There is no
13 requirement for chipping and grinding operations or
14 processors, as you refer to them, to enclose or control
15 their emissions with a bio-filter.

16 The second part of the regulation deals with the
17 composting portion. And right now the version that we've
18 put out for public comment does call for enclosure of the
19 various portions of a composting facility, whether they be
20 green waste or bio-solids and that those emissions be
21 vented to a bio-filter and that that would occur by 2004.

22 But I guess I want to really underline the fact
23 that this is a work-in-progress. We're taking comments on
24 this. Based on public comments that we get an additional
25 information we pull together, we'll revise what the

1 operational requirements are.

2 --o0o--

3 MS. TABER: I think your staff summarized a lot
4 of the key issues. I just want to go over a couple of
5 them. We did hear comments both from your staff and from
6 people in the industry that our emissions inventory was
7 lacking in good data with regards to green waste. And we
8 concurred with them. So right now we are doing a green
9 waste emissions study at a composting facility that only
10 does green waste.

11 Based on the information that we receive from
12 that study, we'll go back and revise our proposed
13 regulation. We're doing some cost effectiveness analysis
14 and we're also looking very seriously at the issue of AB
15 939. And I was very happy to see the information that
16 your staff presented you today, because we'll use that in
17 conjunction with other information we have to determine
18 what potential impact this rule might have on achieving
19 those standards, and then ways that we'll modify the rule
20 in order to lessen those impacts.

21 Just for your information, some of the stuff that
22 we were able to gain off of your web site and other
23 information showed that actual green waste composting was
24 probably far down on the list. It seems that a lot of the
25 diversion that is going on from the landfills is going to

1 ADC. And this regulation does not require covering or
2 emission control of any ADC.

3 The part of the ADC activity where there's
4 chipping and grinding would need to produce a compliance
5 plan, but there's no requirement for cover.

6 And then we're looking at whether or not we
7 should bury the enclosure requirement based on a facility
8 which is dealing with putrescible wastes, bio-solids, that
9 kind of thing versus green waste and whether or not we
10 need to require cover for all aspects, the feedstock, the
11 curing as well as the active composting.

12 --o0o--

13 MS. TABER: And just to briefly summarize for
14 where we are in the rule development process, we went
15 through a very lengthy process when we adopted our air
16 quality management plans, where this was a part -- this
17 was subject to public review and comment. And then we
18 started our specific rule-making process in October of
19 2000 with a public consultation meeting. We've done a lot
20 of site visits. I believe now we've been to almost every
21 compost and chipping and grinding facility in the region.
22 Maybe we have a couple more chipping and grinding
23 facilities to go to.

24 We've been able to collect a lot of test data.
25 We had a lot of our own test data on bio-solids that we've

1 been able to use. And we've held a number of workshops.
2 We're going to continue to hold workshops. Our next
3 workshop is in November, and we'll follow that up with
4 additional workshops before our board would consider this
5 rule in January.

6 That concludes my presentations, and I'd be happy
7 to answer questions at the end.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you. We'll
9 now go to our public comments. And, again, please try and
10 stay either beneath or within the three minutes, because
11 we have a great deal of people that would like to speak.
12 Robert Nelson, Riverside County.

13 MR. NELSON: Thank you, Members of the Board.
14 And we sincerely appreciate the opportunity to come and
15 speak. We also appreciate the fact that you have taken
16 the time to listen to some of the issues that affect not
17 only the industry, but we as agencies in the south coast
18 basin are deeply concerned about 1133 as we currently
19 understand it.

20 There should be no question about the fact from
21 my agency that we clearly want clean air. There's
22 probably no area of the south coast basin that is more
23 appreciative of trying to achieve those goals than we in
24 Riverside County.

25 I don't think that's the question we're here to

1 talk about. We want clean air. It's the question of how
2 we go about getting it and whether the rules are fair and
3 reasonable in the process of developing them.

4 There's no question, also, that there are two
5 very clear competing State goals. And we must reach a
6 reasonable sense of compromise in trying to achieve both
7 of those goals, clean air as well as diversions that we're
8 mandated by the State to achieve.

9 We've written three separate letters to the South
10 Coast Air District about this issue. One was on behalf of
11 our local task force and two was on behalf of our staff
12 and county. And I would like for the record to at least
13 enter those letters into the record. I do not believe
14 they were forwarded to your agency.

15 Our local task force set up a subcommittee in
16 1999 to take a very serious look at the issue of green
17 waste diversion, wood waste diversion in our county. We
18 worked on that issue for several months and basically
19 reached the conclusion, as I think most every agency does,
20 and that is that there are insufficient outlets.

21 And partly because of that study, we began for
22 the first time, at that time, began using some of this
23 material for ADC. It's vitally important that we not kill
24 this industry by whatever process it is. And I think the
25 studies helped us bring that group together, understand

1 where our deficiencies were and we're trying to support
2 and improve that industry in our county.

3 The rule, as written, we believe will kill the
4 current industry in our county. It may be different
5 elsewhere, but that's certainly my judgment as the way
6 it's currently written. These products will simply end up
7 in our landfills. And that's something I don't want and I
8 don't think the State wants that either.

9 We believe that the rule should focus -- is that
10 my three minutes?

11 CHAIRPERSON MOULTON-PATTERSON: Yeah, if you
12 could conclude now, please.

13 MR. NELSON: Let me just quickly finish. We
14 think the rule should focus on bio-solids first, try to
15 get that area covered in the detail that's needed, get the
16 studies done that are needed to prove that this really is
17 an air emission problem with green waste and wood waste
18 and then go on with a second rule dealing with that issue.

19 We don't think there's data available that proves
20 to us that it is clearly the issue that it seems to be nor
21 are there economic studies available to show the impact.

22 We think it will stop the wood waste diversion
23 even to the Colmac Energy Plant in our State. There's
24 another third State interest in terms of energy that is
25 critical to us.

1 Let me just close, again, by saying thanks for
2 letting us speak, thanks again for taking the time to
3 listen to the impact of a rule from a sister agency might
4 have on some of your goals.

5 Thank you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
7 Nelson.

8 Gregory Adams, Los Angeles County Sanitation
9 District, followed by David Hardy.

10 MR. ADAMS: Thank you, Madam Chair. My name is
11 Greg Adams and I'm the Air Quality Manager for the LA
12 County Sanitation Districts.

13 I'm speaking on behalf of SCAP, the Southern
14 California Alliance of POTWs representing 55 water and
15 waste water agencies in Southern California. And all 54
16 other members are right behind me to speak.

17 No, I'm only kidding, but don't let the lack of
18 repetition, in anyway, diminish the concerns of our
19 industry today.

20 Bio-solids disposal is a significant concern to
21 all waste water agencies. And after salaries and
22 benefits, it is the singular highest budgeted item and
23 extremely important. The six largest generators of
24 bio-solids in the four county jurisdiction of the AQMD
25 generate about 1.2 million tons per year of bio-solids.

1 Now, any regulation that potentially impacts any
2 of those disposal options of bio-solids or increases
3 diversion towards landfills as a result of increasing
4 costs to treat the bio-solids is of tremendous concern to
5 our 55 member agencies.

6 The Air Quality Management Plan, as sets forth
7 the guideline for the rule, had a two-part component to
8 the rule. And the components were a study phase to
9 establish the emissions base line and then number two if
10 the emissions base line was of sufficient concern, then we
11 would go into a Phase 2 or a technology implementation
12 approach. We have several concerns just on the first part
13 alone, the development of the emission inventory.

14 Number one, we do not believe that the emission
15 inventory has been adequately developed. The base line
16 emissions data for bio-solids derives from old source test
17 reports back in 1991, 1994 and 1995. If anybody
18 understands how bio-solids work, the tributary areas
19 contribute to the quality of the bio-solids. And if
20 industries move out in that period of time, the quality of
21 the bio-solids change.

22 So consequently those old source test reports are
23 not representative of the emissions potential that the
24 staff believes is available in this particular rule
25 making. We are not aware of any source tests conducted

1 for any green waste operations. And only recently have we
2 become involved in a source test protocol, a fairly
3 sophisticated one, for green waste composting operations.
4 Also, we're not clear about how staff gets the through-put
5 data.

6 We've proposed to staff, this is the waste water
7 agencies, a test program to close or at least narrow the
8 gaps. Essentially, we've found that the base line
9 emissions or starting part that the AQMD is using is too
10 high based on open windrow composting and that more modern
11 techniques will show that that will not be the case. The
12 emissions reduction potential is not there. We are
13 proposing a six-month test program at the cost to the
14 waste water agencies of about \$125,000.

15 We're proposing to test four agitated enclosed
16 aerated static pile operations that are completely
17 contained so that we can accurately measure the emissions.
18 And we would want the Integrated Waste Management Board's
19 support of that test proposal. We're not trying to undue
20 the rule, we're trying to improve the scientific basis
21 behind the rule.

22 And then, finally, let me just say that a
23 one-size fits all approach to the great diversity of waste
24 handling options in the district as well as the State, we
25 think is wrong. It greatly removes any innovation in the

1 industry to develop better composting and control schemes.

2 Thank you very much for the opportunity to speak.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you Mr.

4 Adams. David Hardy, California Biomass to be followed by

5 Gary Van Dorst.

6 MR. HARDY: Good afternoon. I'm going to start

7 off with a couple of compliments. Everybody just relax.

8 First of all, I want to thank the Board, in

9 particular Board Member Jones, for kind of helping the

10 industry and all the various stakeholders to get organized

11 and focused on this issue. I also want to point out

12 something, too. In the years that I've worked with the

13 Waste Board as we've developed policies for the industry,

14 I've always felt there's been a level of respect for

15 integrity and process, in that there was an effort to

16 actually be effective and do problem solving. We didn't

17 always agree on what the ultimate solution is, but I

18 always felt you maintained a certain level of integrity in

19 that staff also represented that intent in working with

20 industry and working through those types of technical

21 problems.

22 The process we're faced with the South Coast Air

23 Quality Management District, in respectful disagreement as

24 to what's been presented here, has no integrity. They've

25 already signed an administrative agreement of which we've

1 all been terrified to find out that the data that they
2 used to base that agreement, that plan, that commitment
3 they make is tragically flawed. And instead of taking a
4 step back from that and trying to come up with some type
5 of solution that is based on some type of fundamental,
6 reliable data, they refused to do so.

7 They're not interested in solving a problem,
8 they're interested in patching up flaws in their process.
9 And they're driving this thing through and it's built on
10 straw.

11 They're asking industry to look at a solution
12 which is devastating. And yet they don't demonstrate the
13 basic respect of having us at least confront us with a
14 clearly defined problem, and then working towards a
15 reasonable solution. Instead, what we're confronted with
16 is flawed data, a refusal to actually engage industry and
17 build and collect that data, and then go through some type
18 of reliable process that sits there and works on
19 solutions.

20 So I ask you as you talk to your counterparts at
21 both the Air Board and some of the other sister agencies,
22 that this is the message that you take, that there is a
23 blatant stubbornness on the part of this effort to develop
24 this rule that lacks integrity. And we're being asked to
25 submit to something that really none of us can understand.

1 We have yet to have the problem and the benefit clearly
2 defined to us. And we ask that you pass that message
3 along, because we can fix this.

4 Thank you.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you. Gary
6 Van Dorst to be followed by John McNamara. The City of
7 Redlands.

8 MR. VAN DORST: Good afternoon. For the record,
9 Gary Van Dorst, solid waste manager for the City of
10 Redlands. The City of Redlands' staff have participated
11 in SCAQMD's rule-making process for PR 1133. We formally
12 commented on both PR 1133 and on the iteration of this
13 rule 1133(b).

14 In the interests of brevity I'd like to begin by
15 mentioning that we've provided copies of these comments to
16 the Waste Board staff. The Waste Board should be apprised
17 that the City Council of the City of Redlands has directed
18 city staff to participate in the rule-making process and
19 further that the Redlands City Council authorize staff to
20 communicate with local legislators to make them aware of
21 the potential impacts to Redlands residents.

22 I'd like to take a minute to highlight just some
23 of our concerns. First and foremost, the cost of
24 complying with PR 1133(b), as currently proposed, is
25 simply prohibitive. Consider the City of Redlands

1 situation. We utilize a private composting facility to
2 process the city's green waste. The cost of the building
3 enclosure requirement for that facility would likely cost
4 in excess of about six and half million dollars. That's
5 based on a very conservative assumption of construction at
6 a cost of \$15 a square foot. The actual cost is probably
7 closer to about \$25 a square foot.

8 The cost of financing the building enclosure
9 requirement over 20 years would be about \$635,000 a year.
10 That doesn't include the enormous energy costs required
11 under 1133 associated with air exchange and emission
12 controls nor does it include the cost of converting from
13 and aerated windrow process to either static aeration or
14 an in-vessel process.

15 If just the cost of the building enclosure was
16 passed on to the city, the rate impact to the city's rate
17 payers would be \$3 per month per household. Such an
18 increase would come at a time when municipalities such as
19 Redlands are struggling to get from an average of about 42
20 percent, that's where our standard calculator puts us
21 right now, to close the gap between that diversion rate
22 and 50 percent.

23 Of course, no bank would finance the capital for
24 such an improvement, in the absence of a 20-year put or
25 payment agreement on the basis of which our contractor

1 would be able to collateralize the loan. And, of course,
2 we're not aware of any agreement in our region that
3 involves 20 year put or payment or 20 year terms. And can
4 you imagine what the lender's rights clauses would have to
5 be in such an agreement for the bank to feel comfortable
6 about collateralizing that term of a loan.

7 Again, we've provided Waste Board staff with our
8 comments. And, in conclusion, we believe that PR 1133
9 incentivizes land-filling. We believe that it will force
10 some facilities out of business, potentially resulting in
11 a net increase of air emissions due to the long haul of
12 waste outside of the region.

13 We believe that PR 1133 is likely to further
14 incentivize the abuse of green waste as ADC due to the
15 destruction of compost markets. And, finally, we believe
16 that this rule will make local compliance with AB 939
17 onerous and very expensive. There are effective
18 alternatives to the building enclosure requirements.

19 Thank you.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 John McNamara, Taormina Industries to be followed
22 by John Richardson.

23 MR. McNAMARA: Good afternoon, Board Members.
24 Thank you very much for the opportunity for us to speak on
25 this. I come from industry. I work for Taormina

1 Industries, and we provide solid waste services, including
2 collection, processing, recycling and disposal to seven
3 cities in the northern Orange County and two cities in San
4 Bernardino County. I'm commenting on Proposed Rule 1133.

5 We've provided the written comments that we've
6 made to AQMD to you. We've CC'd you on those, so I'm
7 going to boil my comments down to a couple of key issues,
8 and I'd like to title my issues, "All Dressed Up and
9 Nowhere To Go".

10 We serve cities and residents who are faced with
11 the significant task of achieving the AB 939 compliance
12 goals. And we're a partner with them in doing that. AB
13 939 compliance has required significant efforts on their
14 parts and on our parts to achieve what we've achieved to
15 this point, and that has included a great amount of
16 expense and capital cost to get trucks and facilities to
17 collect green waste materials and implement green waste
18 collection programs.

19 And that's been a tremendous effort, tremendous
20 capital expense, and it's not been a little task. It's
21 been a great effort and there's been a great success in
22 that. And you've seen from the numbers that you have that
23 green waste collection and processing has resulted in a
24 tremendous amount of diversion from landfill disposal.

25 What we see in Orange County is that

1 approximately 2,000 tons per day of green waste, and this
2 is base on August data, which is about 26 percent of the
3 overall waste stream is diverted from landfills at this
4 time.

5 The cities rely on those markets that those green
6 waste materials are now going to and the stable costs that
7 are associated with those to be able to achieve the goals
8 of AB 939 and to provide those services to their rate
9 payers and at a reasonable price. So we need to process
10 this material. We need the processors, even though we're
11 limited in what we do in terms of composting and their --
12 and the AQMD staff is talking about limiting the rule
13 requirements for chippers and grinders which we do a
14 tremendous amount of.

15 We still need the end uses. And so we need a
16 place for this material to go. If it doesn't have a place
17 to go, then all effort that we've made towards collecting
18 and providing facilities to move this material out to end
19 uses will be for nothing. This rule, we believe, will be
20 based on the comments you've heard to this point. And the
21 written comments you've gotten will severely limit those
22 facilities, if not, completely close them down. And so
23 the end uses, the places for this material to go, will
24 just go away.

25 We're not sure what would happen in the absence

1 of those facilities, but, you know, we'll be stuck with
2 all the infrastructure and vehicles and all the cans and
3 everything else that's been put in place to collect these
4 things and we'll have nowhere to bring it to.

5 That concludes my comments. Thank you, again,
6 for allowing us to talk to you.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 John Richardson, Community Recycling to be
9 followed by Jim Sullivan.

10 MR. RICHARDSON: Good afternoon, Madam Chair and
11 Board Members. I would like to thank the Board for their
12 active participation displayed so far in this very
13 important issue. I have attended every meeting that the
14 AQMD has had on this issue so far, and I've asked what
15 data do they have as it applies to green waste facilities?

16 And they've said they've had none. I've offered
17 them tours of our facilities, both our green waste
18 grinding operation out in Sun Valley as well as our Kern
19 County green waste compost facility. Every time they've
20 nodded their heads and said that they would contact me,
21 and to date I have not heard from them. In addition, I've
22 written two letters offering tours.

23 What doesn't make sense is that I'm one of -- our
24 facility is one of the largest green waste receiving and
25 grinding and transferring facilities in southern

1 California. And, in addition, we also have, I believe,
2 the largest green waste compost facility in the State.

3 The air district's proposed rule would also
4 require enclosing facilities. Just to enclose our green
5 waste receiving transfer station out in Sun Valley would
6 require approximately a three-acre building with very
7 special air handling equipment.

8 This cost would be approximately \$12 million.
9 How would we recoup this cost? Our customers, the cities,
10 usually have us bid on one-year contracts which
11 occasionally they have some options on them for additional
12 renewals, but it's still a one-year contract.

13 Will the cities be able to absorb those
14 increases? In today's budget economy and budget conscious
15 economy, I'm not sure.

16 What concerns me even more is that this rule
17 expands into the San Joaquin Valley District, and requires
18 our 190-acre compost facility to also be enclosed. This
19 would just not even be feasible and it would put us out of
20 business.

21 Thank you.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 Jim Sullivan, Association of Compost Producers to
24 be followed by Scott Deatherage.

25 MR. SULLIVAN: Madam Chair, Members of the Board,

1 thank you for this opportunity. My name is Jim Sullivan.
2 I am the President of the Association of Compost
3 Producers. And our primary concerns are survival, at this
4 point in time.

5 Most of us are privately held small independent
6 providers that have worked within the framework of larger
7 haulers, municipalities and jurisdictions. The services
8 we provide are economic and efficient. As has been
9 stated, all of our revenues are based on contracts that
10 are short-term in duration. The economics of this
11 situation make it an impossibility for us to meet the
12 proposed regulations of PR 1133.

13 Additionally, specifically the enclosure of
14 storage and cure make it impossible for anybody regardless
15 of the economics to comply with this issue. When you
16 think about the length of time it takes for compost to
17 mature, six months to a year, depending on the facility,
18 and the storage that's required, again, because of the
19 seasonality and cyclic conditions of our markets, it's not
20 feasible.

21 This rule should be performance based and not
22 prescriptive. It completely obligates -- it doesn't
23 obligate, but it restricts us to a single form of
24 compliance without opportunity for initiative or better
25 thought or process.

1 There are some charts that show what the costs
2 are.

3 (Thereupon an overhead presentation was
4 presented as follows.)

5 MR. SULLIVAN: This is just a very simple
6 comparison. These numbers are dollars per ton of costs
7 per day of capital, Las Virgineous, which is the example
8 which was given to us early on in this by the AQMD,
9 approaches more than \$800,000 per ton per day for
10 construction costs.

11 After their improvements, it's still going to be
12 in excess of \$400,000. These lower numbers here represent
13 what private enterprise can do, but even the most
14 efficient and the largest facilities exceed \$25,000 per
15 ton per day of capital costs.

16 This is a cost that's going to be disastrous to
17 our industry. We've made several environmentally sound
18 diversion capabilities over the last 10 years. However,
19 the solutions that are being imposed by this rule would
20 completely destroy that situation. The rule is
21 specifically saying it's looking for ammonia and PM 10.

22 We feel that this is not necessarily the
23 situation, that ammonia is a waste product of not aerobic
24 conditions, which we as composters maintain, but rather
25 anaerobic. We ask that you consider funding additional

1 opportunities for study, for comparison of both the
2 information, which the AQMD is amassing, and correlate it
3 to industry as a broader whole.

4 We thank you for this opportunity.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you. Scott
6 Deatherage of the San Joaquin Composting to be followed by
7 John Gulleage.

8 MR. DEATHERAGE: Madam Chair and the Board, thank
9 you for the opportunity. My name is Scott Deatherage.
10 I'm with San Joaquin composting, McCarthy Family Farms.

11 We're a large scale composting facility up in Kern County.

12 Our main concern about this, yeah, we're out of
13 the South Coast AQMD, but most of our feedstock comes from
14 the south coast area. But more importantly, I think our
15 biggest concern is that right now we're in rule
16 development for PM 10 in the San Joaquin valley district.
17 And often times and more times than not, they just pick up
18 the South Coast rule and just adopt it into the central
19 valley.

20 Within probably three to five years, I would see
21 this rule hitting us really hard in the central valley.
22 No question, we're in 120-acres of compost facility.
23 We've composted about four million tons of municipal waste
24 in the last ten years. If we had to enclose a 120-acre
25 compost site, there's no way. The economics aren't there.

1 I think we really need to study the economics here. I
2 think we need to really look at the economics, the cost of
3 emissions reductions per dollar spent for -- you know, we
4 need to do a cost benefit analysis.

5 I don't think that the tonnage or the emissions
6 reductions that they were looking at here, I think were
7 minuscule compared to the cost of this. And so those are
8 my points.

9 Thank you.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 John Gulleage, Los Angeles County Sanitation
12 District to be followed by Patrick Heaney.

13 MR. GULLEAGE: Good afternoon, Madam Chair and
14 Board Members, John Gulleage, LA County Sanitation
15 District.

16 I'm in charge of the District's Solid Waste
17 Management Department. You heard one of my co-workers
18 earlier, Greg Adams, who talked to you about the other
19 side of our business which is bio-solids or waste water
20 treatment.

21 Just a few comments about the rule. We have
22 submitted letters to you that you have on file for the
23 record as well. But some comments about the rule.

24 First of all, we heard earlier the rule target is
25 VOCs and ammonia emissions, ammonia being a surrogate, I

1 guess, for precursors of PM 10. We've also heard a little
2 bit about there are some other objectives behind the rule
3 concerning dust and odor.

4 Who's going to be impacted a from a solid waste
5 perspective, not looking at it as for waste water issues
6 here. Basically, it's going to be all chipping
7 facilities, landfills, transfer stations, materials
8 recovery facilities.

9 What are their requirements? We heard the AQMD
10 staff talk about basically a compliance plan, but within
11 that compliance plan, at least as I understand it at this
12 point, there's some issues there of concern to us.
13 Basically, there's some monitoring programs, monitoring
14 for VOCs, monitoring for temperature associated with the
15 green waste piles that you may have on site, things of
16 record keeping and other things associated with the
17 compliance plans as well.

18 But those bring issues forward and concerns to an
19 operator of the landfill for usages of the materials that
20 we generate. Now, in terms of the types of things these
21 get used for, you know, we have a green waste grinding
22 operation associated with our landfills. It goes to ADC.
23 It goes to composting. It goes to erosion control. It
24 goes to agricultural purposes. So there's a whole myriad
25 of impacts, potential impacts, on a lot of different

1 issues.

2 We're hearing a lot from composters tonight, but
3 it also impacts the ADC portion of this. And the reason I
4 say that is when you get into looking at the rule, it
5 starts talking about temperature issues and requirements
6 for keeping the temperature of the material below certain
7 levels. This is going to create issues of compliance at
8 landfills for the ADC that we receive.

9 Often times, we may receive materials coming in
10 to the site at the outset that may exceed these numbers,
11 which create problems for us.

12 Now, you're in violation of the rule. So that's
13 an issue that we don't take lightly. It's certainly of
14 concern, because we always want to be in compliance with
15 the rules and requirements.

16 As you go through the rule, other things jump out
17 at us. And, again, it is related to the composting side.
18 We read it. We do see significant impacts on that
19 industry in terms of how they're going to be in compliance
20 with those rules. It's not often, I guess, but some of
21 these meetings I find myself on the same side of the table
22 with them. But we are concerned about the rule. We do
23 think that there are issues here that need to be addressed
24 more fully and completely, and as it relates to how it
25 relates to ADC, because we do see a need for this to be

1 exempted potentially or we need some sort of criteria here
2 on storage limits.

3 I guess my time is up, so I will wrap it up at
4 that point.

5 Thank you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 Patrick Heaney, Apollo Wood Recovery, to be
8 followed by Michelle Randall.

9 MR. HEANEY: Board members, I'm Pat Heaney. I
10 think everything that I had to say has already been said.
11 I oppose the rule. It's financially unfeasible to adhere
12 to this rule. And there's simply no way to recover what
13 costs would be required.

14 Thank you.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Michelle Randall, resident, to be followed by
17 Matt Cotton.

18 MS. RANDALL: Ladies and gentlemen, my name is
19 Michelle Randall. I'm speaking in favor of Rule 1133. I
20 recently visited the Needes Murphy in Rocklin County, New
21 York. Really cool.

22 What made it neat was the attitudes of the
23 government, the people who run it and the residents in
24 general, back there. They are focused on achieving 100
25 percent recycling and they're getting there for their

1 county.

2 They take the stuff that they sort and they
3 recycle it and they return it to each city. The kids vote
4 on where they're going to spend it for the children. One
5 little town last year made \$38,000 and put in a new park.

6 Under those conditions, best management practices
7 worked. Here we have AB 939 and Proposed Rule 1133 in the
8 hopes that we can force people to recycle. Kind of a
9 sorry thing, best management practices don't really work
10 where the best management is making lots and lots of money
11 from recycling.

12 I live in Corona. I'm about two miles from
13 Synagro Composting Site, El Sobrante Landfill and Force
14 Fiber Wood Chipping Facilities, all in a little group.
15 I've been a strong opponent of the Synagro facility,
16 because I have first-hand knowledge of exactly how their
17 ammonia and VOC emissions have affected my neighbors and
18 me. This is from two miles away.

19 I supported the expansion of El Sobrante Landfill
20 strongly. I spoke in their behalf. I was assured that
21 traffic and diesel fumes would not really increase with
22 the expansion because the garbage would be hauled in just
23 in larger trailers. Well, they've got their expansion.
24 The traffic is terrific. The diesel fumes are increasing
25 and that's why we need 1133.

1 I like the kids that run Force Fiber. I've never
2 complained about their operation. Unfortunately, they
3 have now changed to chipping at night to stay away from
4 complaints to the AQMD about the dust. I work nights and
5 when I come home a lot of times I can hardly see the
6 lights because of the dust from their chipping operation.
7 That's PM 10.

8 As you all know, Force Fiber's PM 10 and
9 Cinigrow's emissions all add on more smog, which adds on
10 to El Sobrante Landfill, which is why we need 1133.
11 There's a saying out there, "If it ain't broke, don't fix
12 it". Well, these folks that are running these outfits and
13 are profiting are figuring it ain't broke. Unfortunately,
14 I'm a resident. I can look around and see that it is
15 broke, and I sure hope that you guys will help fix it.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you.

17 Matt Cotton, IWMC to be followed by Sean Edgar.

18 MR. COTTON: Thank you very much, Madam Chair.
19 Matt Cotton, Integrated Waste Management Consulting,
20 Nevada City. Just, first of all, a house keeping matter,
21 here's a letter from Inland Empire Utilities Agency. They
22 weren't able to attend the meeting, but I want to submit
23 their testimony.

24 And, you know, I understand we've got a time
25 frame here and I'd really love to try to summarize all of

1 my points in three minutes. I can't do it. I've been
2 rewriting it back there for the last ten, so I'm going to
3 try to keep it brief, hit some hot points.

4 Here's the good news. The good news is this
5 Board and your staff have done an excellent job of
6 responding to this rule. I think it's appropriate. It's
7 been professional. It's been timely. And I think you and
8 especially your staff deserve a big round of applause for
9 that for taking it seriously, understanding the impacts of
10 this proposed rule, which are potentially devastating.

11 I'm not going to highlight the bad news. If
12 there's any good news out of this, it's highlighted
13 perhaps, or raised the profile of organics diversion, how
14 important it is. Four million tons of organics diversion
15 in just these four counties, 170 jurisdictions, four
16 million tons of green waste. That's huge. This is
17 incredible.

18 I find it a little ironic being here almost a
19 year later, October 5th, 2000, Jeff Watson of your staff,
20 John Richardson, Michelle a few other people were here
21 when they first rolled this rule out. Then about nine
22 months went by and suddenly we've got to get this rule
23 done by the end of the year.

24 So I think if there's anything to come out of
25 this, we've -- well, two things, AQMD and the Waste Board

1 have to work closely. I know you guys have made as many
2 overtures as you possibly can. You're working diligently
3 to try to work with the AQMD. This meeting is an
4 excellent example of that and I applaud that.

5 Clearly, the implementation schedule of this rule
6 has got to be moved back. This is just way to fast a
7 track, given that we have not spent nearly enough time on
8 this issue, based on what we've heard and things we
9 haven't even had brought up yet, as far as the lack of
10 data, the cost impacts, the diversion impacts. We need
11 some time to really consider this.

12 And with that, I'll yield to other speakers.

13 Thank you.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
15 Cotton.

16 Sean Edgar to be followed by Kelly Astor.

17 MR. EDGAR: Madam Chair and Board Members, Sean
18 Edgar on behalf of the California Refuse Removal Council,
19 a nonprofit association made up of more than 100 private
20 independent solid waste and recycling companies throughout
21 the State of California. Thanks for the opportunity to
22 let me address very briefly some of the issues. I won't
23 belabor the details. Dad always told me don't beat a dead
24 horse, but I wanted to add just a few comments.

25 With regard to applauding the Waste Board's

1 leadership and your staff, in particular for moving
2 forward on the latest package recognizing that there are
3 in Title 14 a consistent improvement, I wanted to
4 recognize your staff and your efforts to improve the
5 situation of compost throughout the State. Also, I wanted
6 to indicate that we respect your authority in enhancing
7 our ability as service providers to more effectively
8 maintain our resource recovery programs and operations at
9 over 100 material recovery facilities and transfer
10 stations, 20 compost facilities in the State.

11 That having been said, Ms. Friedman echoed our --
12 I echo Ms. Friedman's sentiments about the collection
13 network that has been established. Our companies are
14 intimately involved in many of the more than 520 curbside
15 collection programs throughout the State. We perform that
16 collection. We process through chipping and grinding and
17 into composting facilities. And whereas, Ms. Tabor from
18 air district staff indicates that the district is serious
19 about VOC reductions, we're also serious about air
20 quality, environmental protection, because that's our job
21 every day of the week, but we're also serious about
22 fulfilling our contracts and obligations under AB 939.

23 Specifically, AB 939 for our companies indicates
24 an investment made to build a reliable and sustainable
25 system of solid waste handling. Why have we done that?

1 That's State law to do that that's been on the books since
2 1989. How do we do that? Who's on the hook?

3 Well, yeah, cities and counties and jurisdictions
4 are responsible. Our companies are also and the ownership
5 of our companies in many cases are individually
6 responsible for maintaining compliance with that law via
7 our contracts. We are serious about maintaining our
8 contracts. We're also very serious about wanting to work
9 with district staff to try and achieve a rule which is
10 workable, and we offer our expertise, if we have any, in
11 the matter.

12 I'll leave with our hope that just as our
13 long-term approach towards solid waste handling and
14 recycling is substantial that that approach must be met
15 with consideration being based that any significant change
16 such as the district's proposed rule must be based on
17 weighing benefits and costs and performing something
18 achievable. Sound policies based on sound science is our
19 hopes for this process.

20 Thank you for your time.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 Kelly Astor, CRRC followed by Paul Relis.

23 MR. ASTOR: Thank you, Madam Chair and Members.

24 Kelly Astor representing CRRC southern district, the
25 Inland Empire Disposal Association, the Solid Waste

1 Association of Orange County and also the Los Angeles
2 County Waste Management Association. I currently serve as
3 general counsel for each such organization.

4 You've already heard about inadequate testing,
5 flawed data and economic impacts. I received an estimate
6 earlier today at lunch that the compliance costs
7 associated with this rule could exceed \$3 billion. Let me
8 add to that that as a lawyer in the solid waste industry,
9 I am very familiar with dozens, perhaps several dozen,
10 franchise agreements, which is the primary device by which
11 our members are regulated and offer the services that they
12 do.

13 I can tell you that increasingly those contracts
14 provide for guarantees of AB 939 compliance. Sometimes
15 local jurisdictions go a step further and instill their
16 own requirement for waste diversion, which can exceed 50
17 percent. Some of them also contain prohibitions against
18 depositing in landfills material which could other wise be
19 recycled.

20 Every one of these contracts is at risk of being
21 thrown into default if this rule were to pass in its
22 present form. The stranded investment that would thereby
23 be jeopardized is another several hundred million dollars.

24 I have some experience with the South Coast Air
25 Quality Management District. Two years ago I couldn't say

1 that, but I'm a survivor of Rule 1193, which has their
2 diesel fleet rule. And I can tell you that while staff
3 has been okay to deal with thus far, my experience with
4 1193 was very negative in that we were told throughout
5 that 18-month process don't worry this is a
6 work-in-progress, we'll work with you.

7 And while there was an effort made to do that, at
8 the end of the day, the rule did not contain the kinds of
9 ingredients that it should have to protect industry and to
10 respond to industry's legitimate concerns.

11 We may ultimately enjoy a different experience
12 here. But at this point, I'm not optimistic, because of
13 the very aggressive implementation schedule that this
14 particular staff is advancing.

15 We thank you for your attention to this issue.
16 Other agencies need to get ahold of this. And I'm very
17 concerned on behalf of industry about the disaster that we
18 would all meet were this rule to be adopted in its present
19 form.

20 Thank you.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 Paul Relis CR&R Incorporated to be followed by
23 Chuck Tobin.

24 MR. RELIS: Madam Chair and members of the Board,
25 thanks for holding this workshop or discussion rather.

1 I'd like to start by just saying, in my view at least,
2 we're not done with organics management. We're still in
3 the early phases. There's a long way to go here. And we
4 don't want to see this whole effort killed at this stage
5 with this rule the way it's drafted.

6 We need firm rules for continued and new
7 investment in this arena. I'd like to just jump to the
8 recommendations that I've submitted to the Chair's office.
9 It's a letter that I prepared to the AQMD. I think a
10 reasonable alternative to the cover proposal in Rule 1133,
11 which is clearly the back breaker here just to start with,
12 is to only impose cover in the bio-solids area where it's
13 deemed to generate -- whether deemed to generate ammonia
14 problems that are documented.

15 It could be that a fallback position for some
16 green waste could be aerated static pile, but again only
17 after -- and that would be in an open environment not
18 closed, but only after convincing evidence that there is
19 an ammonia problem from green waste operations and we
20 haven't seen that.

21 I think at the least while this process is
22 playing out, there should be some communication to the
23 cities who hold the contracts with the private parties to
24 explain what the cost implications of this rule could be
25 and the implications indirectly to their diversion

1 efforts.

2 I believe that we should allow the Waste Board
3 process to run its course. I guess you're revisiting the
4 regulations for composting. You have so many of the
5 aspects of organics management under your purview that I
6 think it rightly belongs, for the most part, there and to
7 roll back the time frame to allow the aforementioned
8 analyses, public dialogue and regulatory synthesis to
9 occur.

10 We have two budding mandates. And right now
11 they're in almost diametrical opposition. We shouldn't be
12 in that position in a regulatory environment in California
13 in the year 2001.

14 Thank you.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you. Chuck
16 Tobin Burtec Waste Industries to be followed by
17 Elizabeth -- I can't quite read it, O-s-t Ostro.

18 MR. TOBIN: Good afternoon. I'm Chuck Tobin with
19 Edco Burtec. I had the pleasure of addressing you
20 yesterday, and I hope to look forward to addressing you
21 today.

22 Like a number of the speakers, I would very much
23 like to congratulate and applaud the State Board and
24 especially Member Jones for taking this issue seriously at
25 an early date. I think the correspondence from the Board

1 to South Coast has been a very thoughtful set of documents
2 and I would certainly hope that South Coast would respond
3 in turn to the issues that you've raised.

4 One thing that concerns me right now is this, and
5 as Mr. Astor pointed out, many of us went through the 1193
6 rule, which was the Alt fuel rule. One of the experiences
7 that we learned there is that you need to begin an early
8 dialogue with the members of the South Coast Air Quality
9 Management Board.

10 Like yourselves, they are the policymakers, they
11 are the ultimate decision makers in the process.
12 Everything leading up to whatever decision they make will
13 be predicated basically on, like yourselves, what their
14 own thoughts and feelings are on the subject.

15 So what we would suggest is is that you consider
16 perhaps in your next return to southern California for
17 your next regularly scheduled Waste Board meeting, that
18 you have a joint session, a joint workshop, a joint
19 meeting with the members of the South Coast Air Quality
20 Management Board, and, at that workshop, that you discuss
21 two things.

22 The first being what is good science in this
23 case. I think what you've already heard is that this rule
24 will spill over to all the other air districts in the
25 State and that it will, in essence, become then an issue

1 which you will have to deal with statewide.

2 So the first issue that you would discuss with
3 them would be a joint research plan, so that you could
4 both have good science before you go to good policy.

5 And the second issue being that with respect to
6 this particular rule that your two boards together
7 determine what the hearing schedule should be for this
8 rule as to what the timing would be that would be most
9 appropriate for your calendars, your respective calendars.
10 Otherwise, what I fear is that what you will hear. I
11 spent plenty of time at this podium in the 1193 process.
12 It's a little ironic to find myself back in the same room.

13 But the same set of speakers will be forced to go
14 back and forth from the South Coast board to your board to
15 the South Coast board to your board. And, basically, what
16 we're looking for is perhaps that between the two of you,
17 you can devise a process whereby you can collect the
18 research and determine a hearing schedule that will be
19 productive for both boards.

20 So on that, thank you very much.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 Elizabeth, is it Oster?

23 MS. OSTOICH: It's Ostoich.

24 CHAIRPERSON MOULTON-PATTERSON: Oh, okay, I
25 couldn't read it.

1 MS. OSTOICH: That's a tough one.

2 Elizabeth Ostoich with Greschun, Savage, Nolan
3 and Tilden representing Synagro.

4 Ladies and gentlemen, Synagro operates in 38
5 states and it's a publicly traded company. And I heard
6 somebody mention earlier that the mom and pop type
7 operations can't afford to do this. Well, let me tell you
8 that the publicly traded, well-funded corporations can't
9 even afford to comply with Rule 1133 as proposed.

10 There are very few things -- I'm going to speak
11 primarily to you about bio-solids. There are very few
12 things that can be done with bio-solids. We're running
13 out of options.

14 Synagro primarily looks to reuse bio-solids
15 because of the high nitrogen value of the organics. And
16 we have to just face it that bio-solids happen. This
17 district produces approximately 5,000 tons per day in
18 bio-solids. And if Rule 1133, which requires full
19 enclosure, not just the active portions of the compost,
20 but total enclosure of the facility were to take place,
21 the Synagro operation couldn't make it. None of the
22 operations could make it.

23 The reason is that to fully enclose a compost
24 facility on a conservative end would cost approximately
25 \$60 million. To enclose our facility would cost

1 approximately \$60 million. We have run estimates to
2 enclose the active portions plus the receiving and one
3 aerated static pile on the back-end of the compost
4 facility and that costs over \$40 million, which is an
5 extreme amount of money.

6 Given that Synagro at its current location at
7 best has only eight years left on its permit, there's no
8 way we could amortize that cost at the current site with
9 that much time left on the permit. In addition to the
10 above referenced capital costs, Synagro would have to pay
11 approximately \$2.5 million per year in increased energy
12 costs in order to fully enclose the facility.

13 While front-end enclosure is doable in some
14 circumstances and for certain bio-solids facilities, it's
15 not doable for green waste facilities, and it's not doable
16 for all bio-solids compost facilities and certainly isn't
17 necessary for all bio-solids compost facilities, because
18 some are in more remote locations. And the primary reason
19 to enclose is to contain odors.

20 Compose facilities are regulated by the
21 California Integrated Waste Management Board, yourselves,
22 by the Regional Water Quality Control Board, by the EPA
23 through 503 regulations, and by the AQMD. If the AQMD
24 rule passes, you can imagine that some of our local
25 governments are going to want to open up our permits and

1 take another look.

2 It's hard enough to get your permit for the first
3 time, but if you have to enclose your compost facility and
4 make major changes to your operations, all of our permits
5 are subject to be reopened and relooked at. In addition
6 to the fact that Synagro couldn't operate at its current
7 site, we're looking at relocating the facility. In
8 relocating the facility, we're looking at front-end active
9 enclosure.

10 But our market analysis reveals that if full
11 enclosure were required, tip fees -- now full enclosure,
12 back end also, tip fees would increase above \$60 a ton.
13 And I can tell you our market analysis reveals that
14 generators aren't going to pay in the \$60 per ton range.
15 They're going to truck out of the basin or they're going
16 to divert to landfills.

17 Trucking and landfilling create a different set
18 of emissions that the AQMD has not yet considered. And we
19 have to consider that eventually Arizona, and other states
20 and counties will have had enough, and we then when
21 they've had enough, they've taken all of our bio-solids
22 for so long, we won't have the local infrastructure to
23 handle our own waste streams if we drive composting out of
24 business.

25 To put this in perspective -- I'll speak quickly.

1 To put this in perspective, the basin creates about 5,000
2 tons per day in bio-solids. Now, this is bio-solids only.
3 Las Virginius cost between \$20 million and \$25 million to
4 build, a fully enclosed compost facility. And they treat
5 27 tons a day.

6 If you multiply that out -- 27 tons per day. If
7 you multiply that out, it would cost the compost industry,
8 again, bio-solids only, \$3.7 billion to comply with this
9 rule. And why?

10 Because we're looking at a three-tenths of one
11 percent reduction in emissions. That's what we're trying
12 to achieve by Rule 1133, three-tenths of one percent.

13 Thank you.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you.

15 Mary Motava. I hope I'm pronouncing that one
16 right, because that's our last speaker.

17 MS. MOTAVA: Like everyone else here, I'd like to
18 thank you very much for taking the time to consider and to
19 help the composting industry with some of the decisions
20 that need to be made in the very near future with PR 1133.

21 I am the owner and operator of two compost
22 facilities, and process a total of nearly 100,000 tons a
23 year. Thankfully, one of my facilities is not within this
24 district jurisdiction, so I am very thankful for that.
25 But I do know that these regulations tend to have a kind

1 of wave effect into the other jurisdictions.

2 To date, 100 percent of our material that we
3 produce from our compost has been used in the
4 agricultural, urban horticultural and slope stabilization
5 industries. I've attended some of the meetings that AQMD
6 has had, and I'm very distressed when I listen to the
7 comments by staff. There is no trust here with the AQMD
8 staff.

9 There are at least six different agencies, public
10 agencies, that inspect my facilities. And every single
11 time I deal with one of the agencies inspecting, I usually
12 hear real discouraging remarks about how they're
13 understaffed and they're underfunded. And I just don't
14 really understand why South Coast AQMD would take a rule
15 this far, hope to get it approved in January, when they
16 haven't even done the emissions testing.

17 My background is in agricultural chemistry. As a
18 scientist, I have real problems with deciding on what the
19 outcome should be and then doing tests at the last minute.
20 They have no protocol set up for the testing that they're
21 going to do, and yet they have come to the conclusions
22 already.

23 I sincerely hope that your board can work
24 directly with the Board of South Coast AQMD and, again,
25 hold some joint meetings so that maybe we can get to the

1 bottom of this. We all want clean air. We all want to do
2 what's right, but there's absolutely no way that I, as an
3 operator, can stay in business if this rule goes through.

4 Thank you very much for your time.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 I'd like to thank all the speakers and I really
7 thank you for your cooperation on the time limit.

8 We're sorry we had to impose a time limit, but as
9 you can see there are a lot of speakers.

10 At this time, I'd like to open it up briefly to
11 board members, questions, comments.

12 Mr. Jones.

13 BOARD MEMBER JONES: Madam Chair, I'll do it
14 briefly because I know people have planes to catch. I
15 want to thank everybody, the Air District and the
16 participants. The reason that we had this item today was
17 to see what the impacts of PR 1133 would be on the
18 statewide possibilities of meeting AB 939. I think it's
19 pretty clear that we heard an awful lot of dialogue.

20 I've heard in two meetings that, in fact, the
21 industry will build these facilities. I'd like to see the
22 operator that is going to build an enclosed facility to
23 continue his composting operation?

24 Just raise your hand.

25 Okay, seeing none, I guess that's what I've been

1 trying to get across through these workgroups that, in
2 fact, this will not be one or two businesses that go out
3 of business. This will be an entire industry. And what
4 I'm afraid of is all of that green waste ends up in
5 landfills. All of the sewer sludge ends up in landfills.
6 Landfills will then become the repository not only of the
7 material in this basin, but statewide we are not going to
8 be able to continue the mandate of AB 939 if a region that
9 houses 60 percent of the -- almost 60 percent of the
10 population cannot comply.

11 That's my concern. That's what I wanted to hear.
12 And I do want to continue to work with the air district.
13 You know a lot of people thank me. You need to thank our
14 Chairman and this Board who understood right away what the
15 impacts of this rule were going to be on our mandate.
16 There was ten years of social change through AB 939 that
17 is at risk through this program.

18 We want to see clean air in southern California.
19 We understand your mandate. What we are -- what I am
20 confused about is why we can't work to figure out best
21 management practices with performance standards after
22 we've accumulated the data, as opposed to buildings which
23 we're not sure of those outcomes. That's the dialogue
24 that I think we need to have, because there are techniques
25 and there are obviously, through testimony, people here

1 that are willing to do those techniques to comply.

2 And I hope and I really want to thank the
3 Chairwoman and the members that have seen that this is
4 critical to a ten-year social change and to the compliance
5 of AB 939. And I hope that the Chairwoman allows me to
6 continue to keep working on this project with the Air
7 District and with the Board.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 Thank you, Mr. Jones and we'll go to Mr. Eaton
10 and then to Mr. Paparian.

11 BOARD MEMBER EATON: I'd just like to echo Mr.
12 Jones' sentiments as well, and thank all of you. But I
13 have -- is it proper to ask questions just briefly of our
14 staff and the air district staff --

15 CHAIRPERSON MOULTON-PATTERSON: Certainly.

16 BOARD MEMBER EATON: -- under this format?

17 If, indeed, as the individual representing
18 Synagro mentioned, that this represents three-tenths of
19 one percent of the emissions, what represents the other 99
20 and seven-tenths percent of ammonia emissions or the
21 emissions of what you're trying to do? Where do they come
22 from in the basin?

23 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

24 FRIEDMAN: Madam Chair, I think it's best if South Coast
25 Air District answers that question.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you.

2 MS. TABER: This rule, the emissions for ammonia
3 right now is about 5.4 tons per day, we estimate, is
4 coming from composting operations. And the rule is
5 seeking to get a four-ton per day reduction that's for
6 ammonia.

7 For VOCs, the inventory is about 2.6 tons per
8 day, and we're seeking a reduction of 2.3 tons per day
9 reduction. So that is about a medium size rule. We write
10 rules for emission reductions that are less than that.

11 For VOCs, the majority of the emissions are
12 mobile sources. And I think a number of the people
13 commented on some rule-making that we've had with respect
14 to reducing emissions from mobile sources from the PM 10
15 standpoint and then the California Air Resources Board
16 establishes standards for automobiles.

17 BOARD MEMBER EATON: The four ton reduction that
18 you're trying to seek out of the 5.4, are those all from
19 these particular types of operations?

20 MS. TABER: Yes, just from composting operations.

21 BOARD MEMBER EATON: What is the generation that
22 makes up the total amount of emissions in ammonia, what
23 sources? It can't just be compost.

24 MS. TABER: No, it's a lot of different kind of
25 sources.

1 BOARD MEMBER EATON: I mean is there a regulatory
2 scheme that are imposed upon them at the current time?

3 MS. TABER: Yes, because we have such a serious
4 air quality problem, all sources --

5 BOARD MEMBER EATON: I lived here.

6 MS. TABER: Yeah, so all sources are regulated
7 and so we seek to get emissions reductions.

8 BOARD MEMBER EATON: Okay. And then I just have
9 one other, the time line, in the several years that I've
10 been on this Board and also just in public service in and
11 out, a 60-day compliance on a rule seems to be quite
12 extreme. And I know that your board has always had that,
13 but what is the process, in your experience, in extending
14 that past a 60-day where people have to be brought into
15 compliance?

16 MS. TABER: Well, in this particular rule, they
17 have -- in the latest version, they have up to the year
18 2004 to install the controls. So maybe I'm not
19 understanding what you mean by the 60 days.

20 BOARD MEMBER EATON: Maybe I have an old document
21 here that talks about that the Rule 1133 requires a
22 compliance plan no later than March 1st, 2002, which is 60
23 days or less than 60 days after the Board would take
24 action.

25 MS. TABER: Certainly. There's actually two

1 provisions. One is the compliance plan provision that
2 people would establish what measures to reduce emissions,
3 and we are looking to extending that time frame. We've
4 gotten some comments on that, but the actual requirement
5 to install controls they have up to 2004.

6 BOARD MEMBER EATON: Thank you.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 Mr. Paparian.

9 BOARD MEMBER PAPARIAN: Yeah. Thank you, Madam
10 Chair, just briefly a couple of comments. The issue of
11 whether this is a very small component of the overall air
12 pollution problem in southern California or a bigger
13 component I'd caution my friends in the audience and my
14 friends on the Board that the South Coast Air District is
15 in a very tough position in that they have to go after a
16 lot of seemingly small sources in order to attack the air
17 pollution problem in southern California.

18 So my advice would be to look to the substance of
19 the rules, look at the numbers issues, how much is really
20 being emitted from these sources, whether there are
21 alternative ways to, you know, reduce the emissions, then
22 some of the suggestions that have been made.

23 But in terms of this being a seemingly small
24 component of the air quality problem in southern
25 California, again, that's what the South Coast Air

1 District is trying to do is get a lot of these seemingly
2 small things to add up to something bigger in order to
3 address the air quality problem in southern California.

4 And I don't mean that to diminish, in any way,
5 the arguments that have been made today, other than to
6 just try to put in perspective that the air quality
7 problem in southern California is a very tough issue to
8 deal with that involves dealing with a lot of sources.

9 The other thing I wanted to mention, though, was
10 it seems that there are three -- from what I know, there's
11 three sources of this type of emission. We heard about
12 two of them today, one being bio-solids related, one being
13 green waste related. The third one, I think, was just
14 mentioned very briefly, is agricultural operations.

15 My understanding is there's something on the
16 order of I think it's 1.4 million tons of manure produced
17 in the South Coast air district perhaps that might even be
18 just in Riverside County, and that about 356,000 tons a
19 year in windrow composted of that material. And I would
20 imagine that that would be a very high source of ammonia
21 emissions from what I know and what I've smelt of those
22 kinds of operations.

23 I'm wondering a couple of things. One is, I
24 wonder if there could be a response to the question about
25 green waste? It sounded like a lot of the data so far has

1 been from bio-solid related operations a few years ago,
2 and not really green waste operations. I wonder if we
3 could have a response about whether we have good data
4 about what really gets emitted from a green waste type
5 operation. And I'd also be curious as to whether similar
6 controls are being proposed in terms of in-vessel
7 composting for the manure that's being produced in the air
8 district.

9 MS. TABER: Sure. I'd be happy to respond to
10 those questions. First of all, with respect to green
11 waste, some of the source tests that we had were of
12 facilities that did both bio-solids and green waste. But
13 we heard comments from the community wanting us to do a
14 source test only on green waste, and so we're responding
15 to that public comment and we are doing a source test only
16 on a green waste facility to fill that additional
17 information.

18 Your second question was dealing with the manure
19 from dairy agricultural operations. When the manure is on
20 the individual dairy farm, it would not be subject to rule
21 1133. We have a separate rule-making process that is
22 looking at that kind of operation.

23 Once the dairy manure, though, goes to a
24 composting facility, then it would be subject to Rule
25 1133.

1 BOARD MEMBER PAPARIAN: Okay. And then some of
2 the people testified that they seemed to be not satisfied
3 with the information that's being developed on the green
4 waste emissions. Are you feeling like you're going to be
5 able to answer their questions and concerns about the type
6 of data that's available?

7 I don't know what kind of data is really being
8 looked at. Do you feel like your look at the green waste
9 is going to answer those questions that are being asked
10 about the emissions from green waste facilities?

11 MS. TABER: Yes, we do believe that's going to
12 happen. We have a number of interested individuals
13 including a representative from your staff that's
14 participating in the development of the protocol to
15 conduct that emissions source test. And then we'll be
16 conducting that emissions source test and we'll be sharing
17 it with the community.

18 We have our own source test information on
19 bio-solids. And, in addition, we've been able to collect
20 information from other enclosed facilities that have
21 bio-filters in the United States, and so those are other
22 sources of information, we'll be able to augment our own
23 data here.

24 BOARD MEMBER PAPARIAN: I wonder if I just might
25 ask my fellow Board Member, Mr. Jones, if he's comfortable

1 that the type of data that people are asking for is going
2 to be gotten through the process that was just described.

3 BOARD MEMBER JONES: Thanks, Mr. Paparian.

4 From what I understand, is this still going to
5 be -- is this going to be the flux chamber test or is this
6 going to be this new infrared trick deal?

7 MS. TABER: We're actually going to be using two
8 instruments, one is the flux chamber. In addition, we're
9 going to be using another side-by-side piece of equipment
10 that we believe may give more accurate emissions, but
11 we'll have both. We'll have the flux chamber and the
12 newer technology.

13 The reason we think the newer technology will be
14 helpful is because the green waste composting piles are
15 not uniform, and it makes it difficult to get emissions
16 estimates off of it and we think this other technology may
17 be more helpful, but we'll have the flux chamber to
18 compare it to.

19 BOARD MEMBER JONES: And then you'll be comparing
20 the results of both to see if, in fact, they are
21 transferable?

22 MS. TABER: Exactly. And then we'll be comparing
23 that flux chamber data, we can compare it to the other
24 information we have on bio-solids.

25 BOARD MEMBER JONES: Thank you.

1 I think, Mr. Paparian, just to answer your
2 question, that this testing, as you know, we allocated
3 dollars at this Board meeting to help in testing, that
4 we've offered. I know that industry sources, local
5 governments, as well as whoever else, would help in that
6 testing.

7 I think the test data both for bio-solid
8 co-composting facilities and for green waste is probably
9 at the heart of this whole issue as to how recent it is
10 and how accurate it is. And I think that one of the
11 things we've got to offer the Board Members of the South
12 Coast Air District is to work in unison with them to get
13 consistent new test data and then to offer -- I know what
14 you're saying about the small amounts, and I, in no way,
15 want to dismiss what they can get.

16 What I'm very concerned about are the best
17 management practices that could be put in development with
18 the air district and our regulations as performance
19 criteria that can be done to get the same reductions or,
20 hopefully, I mean, that's what we'd have to work on,
21 without building buildings.

22 And that's, I think, the heart of the issue. And
23 if we can offer those kinds of alternatives to the South
24 Coast members, then they get what they need, the staff
25 gets what it needs. We've got to figure out how they're

1 going to be able to test the results of those emissions
2 using best management practices, but it keeps an entire
3 industry in business and that material out of landfills.
4 And I think that's the key to the issue, personally.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 Senator Roberti and then Mr. Medina.

7 BOARD MEMBER ROBERTI: Yeah, just briefly. I
8 think one of the witnesses testified that the South Coast
9 Air Quality District has not done a study yet on landfill
10 emission problems into the air, did I hear that correctly?
11 Or maybe it would be interesting to know what the extent
12 of their studies on landfill emissions, as far as air
13 quality is concerned. Has that progressed as far as
14 composting facilities emissions?

15 SOUTH COAST AQMD ASSISTANT DEPUTY EXECUTIVE
16 OFFICER TISOPULOUS: I can briefly respond to this. We
17 studied the emissions from the landfill operations, and,
18 in fact, those emissions are being governed by a totally
19 different regulation, 1150.1. It's a totally separate
20 issue than what we are talking about.

21 If I understood the comments that we received
22 today correctly, they were referring to the test that we
23 have regarding the bio-solids and which other operations?

24 Is it mainly bio-solids?

25 Yeah, on bio-solids.

1 And they feel that these are older data as
2 opposed to recent.

3 BOARD MEMBER ROBERTI: Well, here's my
4 observation and I hope you take it to heart at some point,
5 that is that if the argument is correct and it seems
6 plausible to me, that if composting facilities begin to
7 close down, and I know that's not your purpose, that there
8 will be deposited more bio-solid, green waste whatever
9 into landfills. Then we should have some sort of
10 comparative test as to what the possible eventual problem
11 is as far as air quality is concerned, because we may not
12 gain too much as far as air quality is concerned and lose
13 an awful lot as far as composting and reduction of waste,
14 another environmental question, if land fills, in effect,
15 become the repositories of composting facilities that are
16 no more.

17 I mean the two issues in my mind have to be
18 studied concurrently so that we achieve our environmental
19 goals and serve an integrated fashion.

20 SOUTH COAST AQMD ASSISTANT DEPUTY EXECUTIVE
21 OFFICER TISOPULOUS: I wholeheartedly agree with you.
22 Your point is well taken. I want to make sure that one
23 thing is crystal clear over here, we all want to succeed
24 with AB 939. It's our goal as well as your goal. We are
25 all living here in southern California. We want to make

1 sure that your constituents are successful with 939 and
2 you've heard from most of the commenters today, who live
3 also in southern California they also want to breathe
4 clean air and we don't see those two to be in conflict.
5 And so long as we keep our eye on the ball, we can craft a
6 regulation that does achieve both goals.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.
8 Mr. Medina.

9 BOARD MEMBER MEDINA: Yes, Madam Chair. One of
10 the speakers touched on it very directly where he said
11 that, you know, we have two competing State goals clean
12 air and diversion. And they certainly should not be
13 competing goals.

14 And I heard also in regard to data, you know, one
15 party said there was no data. Another party said the data
16 was not reliable, so I do think that we do need accurate
17 data. And one of the suggestions about joint meetings on
18 this subject between the Air Board and the Waste Board, I
19 think, is a good one. We know that we've done one with
20 the Water Board. I thought that was a success.

21 And also joint research efforts. And, again, I'm
22 glad that I had the opportunity to express the concerns
23 that were heard today. And I look forward to addressing
24 this issue in the near future.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.

1 Medina. And, in conclusion, I would just like to say I
2 certainly know what Mr. Paparian is talking about. I was
3 born in Los Angeles and I've lived here all my life, so I
4 certainly understand the air quality problems.

5 I am perplexed that this rule is proposed to be
6 adopted in January. I've written to Dr. Burke on August
7 28th, again, on October 10th. I've received no
8 correspondence from Dr. Burke. We would certainly like to
9 have a joint board meeting, but this is a critical issue,
10 and we really need to start talking. And so I'd really,
11 really appreciate it if you could pass that long that
12 we're making every attempt to sit down and talk and really
13 get to the bottom of this.

14 SOUTH COAST AQMD ASSISTANT DEPUTY EXECUTIVE
15 OFFICER TISOPULOUS: If I may respond for a few seconds,
16 Ms. Taber was telling me that -- my tenure with this
17 particular program is only one week old, so I'm relying on
18 Ms. Taber.

19 CHAIRPERSON MOULTON-PATTERSON: I'm sorry.

20 SOUTH COAST AQMD ASSISTANT DEPUTY EXECUTIVE
21 OFFICER TISOPULOUS: That's all right. She was telling me
22 that we have actually responded to your letter to your
23 staff, and we are looking forward to working with all of
24 you as well as your staff, as well as the impacted
25 industry of course.

1 Regarding the January deadline that we are
2 talking about, yes, this is what was indicated in our rule
3 forecast report. But I want to make sure that you all
4 understand, that unless we complete our assessment and we
5 are 100 percent certain that we have a proposal that is
6 both technically as well as an economically feasible
7 proposal that we can all live with, we are not going to
8 bring it before our board. And if that deadline has to be
9 postponed well, so be it, we are going to postpone it. So
10 we are going to make sure that we are going to complete
11 the job.

12 CHAIRPERSON MOULTON-PATTERSON: I really
13 appreciate that, and I really appreciate you all being
14 here. And this is a great first step. And thank you and
15 thank you to the audience and the people that spoke.

16 This meeting is adjourned.

17 (Thereupon the California Integrated
18 Waste Management Board meeting was
19 adjourned at 3:35 p.m.)

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board
7 meeting was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 29th day of October, 2001.

15

16

17

18

19

20

21

22 JAMES F. PETERS, CSR, RPR

23 Certified Shorthand Reporter

24 License No. 10063

25

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

□